

G. Silverman Declaration Exhibit 1



underberg & kessler LLP

DEF00449

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September 10, 2021

VIA FIRST-CLASS MAIL
VIA ELECTRONIC MAIL (charlene.mckinnon@eeoc.gov)
VIA EEOC DIGITAL CHARGE SYSTEM

Charlene McKinnon
Senior Investigator
U.S. Equal Employment Opportunity Commission
Olympic Towers
300 Pearl Street, Suite 450
Buffalo, New York 14202

Re: Wemes v. Canandaigua National Bank & Trust Company
EEOC Charge No.: 525-2021-01371

Dear Ms. McKinnon:

This office is counsel to the Canandaigua National Bank & Trust Company ("CNB"), Respondent in the above-referenced matter. This letter will serve as CNB's Position Statement submitted in response to the charges of discrimination filed by Complainant, Jason Wemes.

Mr. Wemes is a suspected sex offender. Law enforcement advised CNB that they had "no doubt" of Mr. Wemes' attempt to lure a fourteen (14) year old into a lockable bathroom in the lower level of CNB's main office. Based upon this representation and additional evidence, Mr. Wemes was terminated from his at-will position at CNB without any regard for any protected category. Accordingly, Mr. Wemes instant charges must be dismissed, in their entirety, without the issuance of a probable cause determination.

Procedurally, this Position Statement is not meant to be exhaustive. Instead, it represents a general framework of CNB's affirmative defenses. CNB expressly reserves the right to supplement this statement with additional documentation should the need arise.

Exhibit

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I. FACTUAL BACKGROUND

A. CNB

CNB is the only local, full-service, community-owned financial institution in the Rochester area. Founded in the Finger Lakes region of upstate New York in 1887, CNB prides itself on its commitment to the neighborhoods it serves. CNB takes an active role in the community through its investment into and support of local organizations and programs.

CNB employs a diverse team of people to achieve its core values of honesty and integrity, responsibility, teamwork, respect, innovation, professionalism and commitment. As an organization, CNB is committed to employee development by providing ongoing training and education in the skills and expertise needed to consistently provide an exceptional workplace and customer experience. Included in this training are CNB's EEO policies.¹

Mr. Wemes acknowledged his receipt and understanding of CNB's policies most recently on March 10, 2021.²

B. Mr. Wemes' Employment with CNB

On November 3, 2014, Mr. Wemes was hired to fill the role of part-time Custodial Supervisor in CNB's Facilities Department.³ At the time of his hire, Mr. Wemes disclosed his sexual orientation. Specifically, CNB was advised of Mr. Wemes' same-sex life partner, Joshua Passalacqua, through Mr. Wemes completion of routine onboarding documentation for beneficiary designations.⁴

Throughout his employment, Mr. Wemes was assigned to a desk at CNB's Chapin Street building. The Chapin Street building is attached, via a raised, enclosed walkway, to CNB's main office located at 72 South Main Street, Canandaigua, New York. As with many other CNB employees, Mr. Wemes was also provided a company-issued mobile device – which he was welcome to use as his personal telephone – as part of his employment.

¹ A copy of CNB's Non-Discrimination/Equal Employment Opportunity policy is attached hereto as **Exhibit "A"**. A copy of CNB's Sexual Harassment policy is attached hereto as **Exhibit "B"**. A copy of CNB's Non-Harassment policy is attached hereto as **Exhibit "C"**.

² A copy of Mr. Wemes' signed receipt of his most recent training in CNB policies, dated March 10, 2021, is attached hereto as **Exhibit "D"**.

³ A copy of Mr. Wemes' offer letter, dated October 27, 2014, is attached hereto as **Exhibit "E"**.

⁴ A copy of Mr. Wemes' CNB Profit Sharing 401(k) Plan Beneficiary Designation paperwork, dated November 3, 2014, is attached hereto as **Exhibit "F"**; a copy of Mr. Wemes' other beneficiary designation new hire form, also dated November 3, 2014, is attached hereto as **Exhibit "G"**.

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Mr. Wemes was a valued member of CNB. Mr. Wemes' performance consistently met or exceeded expectations.⁵ In fact, CNB not only recognized Mr. Wemes' commitment to his work duties, but his dedication to his family as well. Essentially, CNB believed that Mr. Wemes espoused its core values. To acknowledge this, Mr. Wemes was one of CNB's honorees for the 2020 Arthur S. Hamlin Award for Excellence.⁶

C. Mr. Wemes is the Prime Suspect in an Ongoing Sex Offender Investigation

On June 29, 2021, undercover detectives with the Canandaigua Police Department were led to the main office of CNB in Canandaigua, New York. The investigation was part of a larger sting operation aimed at the discovery and arrest of sex offenders. Specifically, the investigation uses social networking, wherein detectives create an account, pose as an underage boy or girl and wait for potential offenders to make contact. This operation received substantial local media attention and several arrests.⁷

While posing as a fourteen (14) year old boy, detectives began communications with an individual using the profile name "Feed Me" on the social networking application "Grindr". Grindr is a location-based social networking and online dating application for gay, bisexual, transgender and those identifying as queer. The application allows members to create a personal profile and use their GPS position to browse and view other members' profile and photos, as well as the option to chat, send a "tap," send pictures, video call, and share one's precise location.

At approximately 3:30 p.m., communications between law enforcement and a potential suspect while using the Grindr application led detectives to CNB's main office. During the online conversation between detectives and "Feed Me", photographs were exchanged: one photograph depicts a "selfie" of a heavyset white male with a beard wearing sunglasses and a baseball cap; the second photograph depicts the lower body of a seated male with his pants pulled down and underwear exposed. The second photograph also captures a CNB-issued employee badge which, importantly, is attached to a unique "badge reel" known to only be used by Mr. Wemes and is itself attached to the pants of the individual in photograph. The second photograph also appears to have been taken inside a vehicle owned by CNB.

⁵ A copy of Mr. Wemes' 2018 employee assessment is attached hereto as **Exhibit "H"**; a copy of Mr. Wemes' 2019 employee assessment is attached hereto as **Exhibit "I"**; a copy of Mr. Wemes' 2020 employee assessment is attached hereto as **Exhibit "J"**.

⁶ A copy of Mr. Wemes' nomination for the 2020 Arthur S. Hamlin Award for Excellence is attached hereto as **Exhibit "K"**.

⁷ See, e.g., <https://www.whcc.com/ontario-county-ny-news/canandaigua-police-chief-on-undercover-sex-sting-operation/6173775/>.

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Concurrent with the conversation between detectives and “Feed Me”, a meeting place was agreed upon for a locking bathroom located in the lower lobby of CNB’s main office. This location is publicly accessible and contains safe deposit boxes. However, areas of this lower lobby are not captured on CNB’s security system. Given his position within CNB’s Facilities Department, Mr. Wemes is aware of the “blind spots” of CNB’s security cameras.

At approximately 4:41 p.m. on June 29, 2021, two (2) detectives entered CNB’s office, one going to the lower lobby and the other the main lobby. Shortly thereafter, Mr. Wemes left his desk on the second floor of the Chapin Street building, crossed the bridge into CNB’s main office, walked down the stairs into the lower lobby and into the presence of the detective. At this time, the Grindr application showed that law enforcement was within feet of the location of “Feed Me”. A subsequent internal investigation by CNB Security Office confirms that, beside the detectives, Mr. Wemes was the only other individual in this area at that time.⁸

Upon seeing the detective, Mr. Wemes asked if he could help. The detective showed Mr. Wemes his badge, to which Mr. Wemes turned around and promptly left the lower lobby and returned to his desk at 4:47 p.m. Detectives were then escorted to Mr. Wemes desk and Mr. Wemes was questioned. Moreover, access into Mr. Wemes’ desk revealed the empty packaging for a disposable mobile device, “Straight Talk Wireless”, different from the device provided by CNB.⁹

Detectives questioned other CNB employees and relayed the above-given details of their investigation to certain CNB personnel, including its subject, explaining why they were led to CNB and about the photographs sent by “Feed Me”. Law enforcement further stated to CNB that there was “no doubt” that their suspect was Mr. Wemes.

On the evening of June 29, 2021, at approximately 6:14 p.m., Mr. Wemes called Jason Ingalls to discuss the days’ events. During this conversation, Mr. Wemes seemed upset and concerned with the information CNB knew relating to the investigation.¹⁰ Mr. Wemes stated that his was doing a walkthrough of the building when he came across the detective. He then gave a version of the events concerning his initial encounter with the detectives that was contradictory to what actually occurred, attempting to indicate that he did not walk away from detectives when shown a badge, but rather that the detective had walked away from him. He further stated that he told the detectives that he recognized the individual in the first photograph sent by “Feed Me”, that Mr. Wemes saw this individual both exit CNB weeks prior and at a local restaurant, but

⁸ A copy of the report, dated June 29, 2021, prepared by CNB Physical Security Officer Joseph A. Hernandez, is attached hereto as **Exhibit “L”**.

⁹ Copies of photographs of the “Straight Talk Wireless” packaging found in Mr. Wemes’ workplace desk is attached hereto as **Exhibit “M”**.

¹⁰ See **Exhibit “L”**.

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otherwise did not know his identity. Lastly, Mr. Wemes denied ownership of the CNB badge in the second photograph. His last statement was also known to be false.

Based upon the representations of the detectives and the information revealed in the immediate investigation on June 29, 2021, on June 30, 2021, Mr. Wemes was advised that his employment was suspended for two (2) weeks, with pay, so the matter could be further considered.

Subsequent communication between CNB and the Canandaigua Police Department revealed that law enforcement was waiting for the results of Subpoenas served on Grindr. Law enforcement further informed CNB that the Grindr account for “Feed Me” had been deactivated and repeated the belief that Mr. Wemes was their suspect. Based upon these circumstances, the decision was made to sever CNB’s professional relationship with Mr. Wemes. On July 12, 2021, Mr. Wemes was informed of his termination.¹¹

On July 13, 2021, Mr. Wemes contacted CNB’s Chief Human Resources Officer, Michelle Pedzich. Mr. Wemes stated his belief that the Canandaigua Police Department did not consider him a person of interest and asked why he was no longer an employee. He was advised that, based upon the information provided to CNB by the Canandaigua Police Department and the findings of CNB’s own investigation, the decision was made for CNB to end its employment relationship with Mr. Wemes. Ms. Pedzich further advised Mr. Wemes that as the investigation with the Canandaigua Police Department was ongoing, that was all the information that she could share at that time but invited Mr. Wemes to contact her should he have further questions.¹²

On August 5, 2021, CNB received a record preservation notice from attorney Gregory L. Silverman indicating that Mr. Wemes was considering legal action regarding his termination. Until the filings of his instant charges, however, CNB was unaware of Mr. Wemes’ alleged concerns with respect to workplace harassment or discrimination. Once it became aware of his allegations, CNB investigated the claims as per its policies. This investigation entailed an interview with Jason Ingalls, the supervisor who Mr. Wemes alleges engaged in discriminatory behavior.¹³ The investigation further entailed the questioning of Mr. Wemes’ coworkers who may have been present at the unidentified “social outing for an employee’s birthday” referenced in paragraph “6” of Mr. Wemes’ charges.¹⁴

¹¹ A copy of Mr. Wemes’ severance letter, dated July 12, 2021, is attached hereto as **Exhibit “N”**.

¹² A copy of the internal summary, dated July 13, 2021, and prepared by CNB Chief Human Resources Officer Michelle Pedzich, is attached hereto as **Exhibit “O”**.

¹³ A copy of the summary of the interview with Mr. Ingalls by Ms. Pedzich, dated August 19, 2021, is attached hereto as **Exhibit “P”**.

¹⁴ A copy of the email thread, dated August 23, 2021, between CNB Human Resources Department and one of the individuals thought to be present at the unidentified event described by Mr. Wemes is attached hereto as **Exhibit**

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Mr. Ingalls – CNB’s Facilities and Physical Securities Manager and Mr. Wemes’ immediate supervisor – was specifically questioned about the allegations. Mr. Ingalls denies making the comments or any memory of their occurrence. Notably, with respect to the appropriateness of a photograph of Mr. Wemes and his husband, Mr. Ingalls stated: “I absolutely did not say this.” Mr. Ingalls further stated that he does not recall ever seeing a Human Rights Campaign sticker displayed at Mr. Wemes’ workstation.¹⁵ CNB does not maintain a policy concerning the display of personal photos or the display of Human Rights Campaign stickers in the workplace but informally encourages both. Further, Mr. Wemes’ coworkers were unaware of inappropriate mocking of gender pronouns.¹⁶

As CNB’s investigation failed to reveal any support concerning Mr. Wemes’ charge, it adamantly denies his allegations which form the basis of his discrimination and retaliation claims.

II. ARGUMENT

A. Mr. Wemes Did Not Suffer Unlawful Discrimination

“Title VII protects all employees of and applicants for employment with a covered employer ... against discrimination based on race, color, religion, sex, or national origin.” *Gen. Tel. Co. of the Nw. v. Equal Emp’t Opportunity Comm’n*, 446 U.S. 318, 323 (1980). *see also McClarence v. Int’l Union of Operating Eng’rs Local 14-14b*, No. 16-CV-6614 (RRM) (LB), 2019 U.S. Dist. LEXIS 43988, at *20 (E.D.N.Y. Mar. 18, 2019). Under 42 U.S.C. § 2000e-2(a)(1), it is unlawful for an employer “to fail or refuse to hire or to discharge; any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” This includes adverse employment action taken on the basis of an individual’s sexual orientation. *See Bostock v. Clayton County*, 140 S. Ct. 1731, 1747 (2020)

To establish a *prima facie* case of unlawful discrimination in violation of Title VII, an employee must show “that: (1) [they are] a member of a protected class; (2) [they are] qualified for [their] position; (3) [they] suffered an adverse employment action; and (4) the circumstances give rise to an inference of discrimination.” *Weinstock v. Columbia Univ.*, 224 F.3d 33, 42 (2d Cir. 2000) (citing *McDonnell Douglas*, 411 U.S. at 802).

“Q”; a copy of another email thread, dated August 24, 2021, between CNB and another such employee is attached hereto as **Exhibit “R”**; and a summary of the follow up questioning prepared by Ms. Pedzich of the same individuals, dated August 26, 2021, is attached hereto as **Exhibit “S”**.

¹⁵ See **Exhibit “O”**.

¹⁶ See **Exhibits “Q”, “R”, “S”**.

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Here, Mr. Wemes cannot establish a *prima facie* case of unlawful discrimination. To begin, even if, *arguendo*, there were legitimacy to Mr. Wemes' claims concerning the four (4) comments made in an approximate eight (8) year timespan about his sexual orientation – an accusation which CNB has investigated since receiving notice of the instant charge and adamantly denies – the same are, at best, “stray remarks” and do not rise to the level of unlawful activity.

Indeed, just one (1) of these allegations has a date. The remainder, even in the unlikely event they are true, fall far from implicating Title VII which courts repeatedly remind is not intended as a general workplace civility code. *See Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 67 (1986) (“not all workplace conduct that may be described as ‘harassment’ affects a ‘term, condition, or privilege’ of employment within the meaning of Title VII”); *Marcus v. Barilla America NY, Inc.*, 14 F. Supp. 3d 108, 114 (W.D.N.Y. 2014) (Title VII is not a “general civility code requiring supervisors to engage in unfailingly decorous or diplomatic conduct, and they do not empower courts to act as super-personnel departments, poised to question the reasonableness or fairness of every supervisor-employee interaction”); *Abdu-Brisson v. Delta Air Lines, Inc.*, 239 F.3d 456, 468 (2d Cir. 2001) (“Absent some nexus between the alleged comments and the adverse action, cannot prove a claim of employment discrimination”); *see also Isbell v. City of New York*, 316 F. Supp. 3d 571, 592 (S.D.N.Y. 2018) (concluding that allegations “of heavy scrutiny and criticism, discipline for inadequate work product, refusal to authorize overtime, use of a ‘harsh and sarcastic tone,’ refraining from communicating with Plaintiffs, denying Plaintiffs use of the DOC vehicle, and denying Plaintiffs training opportunities” did not state a claim for a hostile work environment).

CNB was aware of Mr. Wemes' sexual orientation from his hire.¹⁷ Mr. Wemes was a valued member of CNB and was recognized as such.¹⁸ The only action adverse to Mr. Wemes' employment – his suspension and termination – occurred because of his suspected activity in an ongoing sex offender investigation. CNB only took its action based upon the assured representations of law enforcement that one of its employees: (1) used a company vehicle to take lewd photographs; (2) used those same photographs to attempt to lure a minor onto its property; (3) Mr. Wemes' badge reel was in the photograph taken in the company vehicle; (4) GPS tracking places Mr. Wemes as the only individual within the vicinity of law enforcement; (5) packaging was found in Mr. Wemes desk for a disposable cell phone; and (6) law enforcement's statement that Mr. Wemes was their suspect.

It is telling that Mr. Wemes never complained of discrimination of any kind during his tenure at CNB. He was provided with and aware of CNB's EEO policies, including its sexual

¹⁷ See Exhibits “F” and “G”.

¹⁸ See Exhibit “K”.

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harassment policy, having received the updated versions of the just months before his termination.¹⁹

At no point in time did Mr. Wemes suffer unlawful discrimination on the basis of his sexual orientation. His pending allegations of unlawful discrimination must be dismissed in their entirety.

B. Mr. Wemes Did Not Suffer Unlawful Retaliation

The elements of a *prima facie* case of unlawful retaliation under Title VII are also well established: an employee must show “participation in protected activity known to [CNB], an employment action disadvantaging the person engaged in the protected activity, and a causal connection between the protected activity and the adverse employment action.” *Kotcher v. Rosa & Sullivan Appliance Ctr.*, 957 F.2d 59, 64 (2d Cir. 1992) (citations omitted); see also *Johnson v. Palma*, 931 F.2d 203, 207 (2d Cir. 1991). As with the *McDonnell Douglas* framework, “[o]nce a *prima facie* case is made, the burden of production ‘shifts to the defendant to articulate a legitimate, nondiscriminatory reason for its actions.’” *Id.* (citing *Taitt v. Chem. Bank*, 849 F.2d 775, 777 (2d Cir. 1988)). If the respondent meets its burden of articulating “a permissible reason for its actions, the [complainant] must then show that the reasons advanced were pretextual.” *Id.* (citing *Sumner v. U.S. Postal Serv.*, 899 F.2d 203, 209 (2d Cir. 1990)). “The proper question for a retaliation claim is whether the alleged adverse action to which the plaintiff was subjected could well have dissuaded a reasonable employee in his position from complaining of unlawful discrimination.” *Davis-Garett v. Urban Outfitters, Inc.*, 921 F.3d 30, 44 (2d Cir. 2019) (citing *Burlington N. and Santa Fe Ry. Co. v. White*, 548 U.S. 53, 57, 126 S. Ct. 2405, 165 L. Ed. 2d 345 (2006)). Indeed, Title VII retaliation claims must be proved according to traditional principles of but-for causation. *Univ. of Texas Sw. Med. Ctr. v. Nassar*, 570 U.S. 338, 133 S.Ct. 2517, 2534, 186 L. Ed. 2d 503 (2013); *Walczak v. Pratt & Whitney*, No. 3:18-cv-563 (VAB), 2020 U.S. Dist. LEXIS 29921, at *42 (D. Conn. Feb. 21, 2020).

Here, it is unclear which aspect of Mr. Wemes’ charge forms the basis of his retaliation claim. CNB is aware of no protected activity in which Mr. Wemes engaged.

Should the statement within his charge – “I responded that I didn’t want to lose my job over something I didn’t do” – be the sole ground of this claim, the same is not sufficiently specific to make it clear that the employee is complaining about conduct prohibited by Title VII. See *Rojas v. Roman Catholic Diocese of Rochester*, 660 F.3d 98, 108 (2d Cir. 2011) (affirming district court’s holding that a plaintiff failed to state a *prima facie* case of retaliation because generalized complaint was not protected activity); *Thomas v. iStar Fin.*, 438 F. Supp. 2d 348,

¹⁹ See Exhibit “D”.

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365 (S.D.N.Y. 2006) (“[C]omplaints centered on general allegations of harassment unrelated to race [] are not protected activity under Title VII”), *aff’d*, 629 F.3d 276 (2d Cir. 2010).

Mr. Wemes never engaged in protected activity. He “complained” about his desire to not be terminated for his suspected involvement as a sex offender. His pending allegation of unlawful retaliation must be dismissed in its entirety.

C. Mr. Wemes’ Termination was made for a Legitimate, Nondiscriminatory Reason

As set forth throughout, CNB ended its professional at-will relationship with Mr. Wemes because he is the suspect in an ongoing investigation being conducted by the Canandaigua Police Department.

Given the information concerning the investigation proffered by detectives, the circumstances of Mr. Wemes involvement with or as “Feed Me” are substantial. The evidence and representations made by law enforcement concerning his attempt to lure a minor onto CNB property compelled the decision to suspend Mr. Wemes. Further investigation confirmed CNB’s concerns and Mr. Wemes was subsequently terminated.

CNB is a financial institution focused on its community. It takes with great seriousness its obligations towards the community it serves. CNB cannot employ individuals who pose a threat or risk to the safety or wellbeing of its employees, customers or community. The allegations against Mr. Wemes are both grave and reprehensible. As per law enforcement, he poses such a threat. CNB was therefore justified in ending the employment of Mr. Wemes.

III. CONCLUSION

The objective reality of the circumstances surrounding Ms. Wemes’ termination evidence no inference of discriminatory or retaliatory intent. He is an alleged sex offender who law enforcement suspects of attempting to lure a minor into a dangerous situation. Based on that status and that status alone, CNB terminated Mr. Wemes employment. His instant charge must be dismissed, in its entirety, without the issuance of a probable cause determination.

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Counsel stands ready should you require additional information.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'R. Biesenbach', with a large, sweeping flourish extending from the end of the signature.

Ryan T. Biesenbach

Enclosure

Cc: The Canandaigua National Bank & Trust Company (via email)

EXHIBIT A

3.01 NON-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY

CNC is committed to a policy of Equal Employment Opportunity with respect to all employees, applicants, and interns for employment. Consistent with this commitment, our policy is to comply with all applicable federal, state, and local laws concerning employment discrimination. Accordingly, the company prohibits discrimination against qualified employees, interns and applicants in all aspects of employment including, but not limited to: recruitment, interviewing, hiring (or failure or refusal to hire), evaluation, compensation, promotion, job assignment, transfer, demotion, training, leaves of absence, layoff, benefits, use of facilities, working conditions, termination and employer-sponsored activities and programs, including wellness, social and recreational programs. Employment decisions will be made without regard to an applicant's, employee's or intern's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, reproductive health decisions, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status, and any other status protected by law.

MANAGEMENT RESPONSIBILITIES

All members of management are responsible for understanding our company's commitment to this policy and ensuring this policy is carried out. Supervisors are responsible for immediately reporting and responding to a discrimination complaint. It is critical that any formal or informal reference to discrimination is taken seriously.

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CNC

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3.01 NON-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY (Continued)

REASONABLE ACCOMMODATIONS

The company will endeavor to make reasonable accommodations for a qualified applicant, intern or employee with a known disability, unless doing so would result in an undue hardship to the company. If an employee believes they need assistance to perform their job duties because of a physical or mental limitation, the employee should contact Human Resources. Likewise, we will endeavor to make reasonable accommodations, upon request, arising out of an individual's sincerely held religious beliefs or practices, unless doing so would result in an undue hardship to the company. If an employee requires a reasonable accommodation arising out of a sincerely held religious belief or practice, the employee should contact Human Resources.

QUESTIONS AND COMPLAINTS

Questions regarding the administration of this policy, or a complaint regarding Equal Employment Opportunity, should be directed to the employee's or intern's supervisor or to Human Resources. The company will promptly and thoroughly investigate all complaints. Confidentiality will be maintained to the greatest degree possible, consistent with the company's obligation to thoroughly investigate the complaint. Any individual at any time, even after separation of employment who feels this policy has been violated should immediately contact his or her supervisor or Human Resources.

If not satisfied with the resolution, an employee or intern may pursue an appeal. Appeals will generally follow the steps outlined in the Open Communication policy.

NO RETALIATION

It is the policy of CNC that any employee, intern, or applicant who makes or participates in the investigation of a discrimination complaint will not be retaliated against in any way. Employees, interns, or applicants who feel that they have been retaliated against for such activity should immediately contact Human Resources.

Anyone found to be engaging in any type of inappropriate conduct under this policy may be subject to disciplinary action, up to and including termination of employment.

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3.01 NON-DISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY (Continued)

AFFIRMATIVE ACTION

To ensure implementation of this policy on a meaningful and continuing basis, our Affirmative Action Plan outlines CNC's commitment to identify and analyze all areas of employment, and to achieve compliance with the mandates of the applicable Executive Orders.

The Affirmative Action Plan is revised and updated annually to identify functions of job classifications wherein certain protected classes are employed in numbers not representative of their availability in the work force in our area. Good faith efforts shall be made to remedy any deficiencies found. It is the primary responsibility of the supervisor in each department, working with Human Resources, to take positive action to meet the goals and objectives of the Affirmative Action Plan. A supervisor's effectiveness in meeting Affirmative Action objectives will be considered an integral part of his or her overall performance as a supervisor. Portions of CNC's Affirmative Action Plan are available in Human Resources for employees to review.

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CNC

CNB000351

EXHIBIT B

3.02 SEXUAL HARASSMENT

CNC is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated at CNC. All applicants, employees, interns (paid or unpaid), contractors and individuals conducting business with CNC are required to conduct themselves in a manner that prevents sexual harassment in the workplace. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This policy is one component of CNC's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment. Employees can enforce this right by filing a complaint internally with CNC, or with a government agency or in court under federal, state, or local antidiscrimination laws.

DEFINITION

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment based on sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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3.02 SEXUAL HARASSMENT (Continued)

DEFINITION (Continued)

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject CNC to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

Any employee who feels harassed should report the harassment to Human Resources so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

NO TOLERANCE

Sexual harassment will not be tolerated at CNC. All applicants, employees, interns (paid or unpaid), contractors and individuals conducting business with CNC are required to conduct themselves in a manner that prevents sexual harassment in the workplace. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This policy is one component of CNC's commitment to a discrimination-free work environment where all employees and interns are treated with dignity and respect.

EXAMPLES OF SEXUAL HARASSMENT

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.

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3.02 SEXUAL HARASSMENT (Continued)

EXAMPLES OF SEXUAL HARASSMENT (Continued)

- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

WHO CAN BE A TARGET?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor.

WHERE CAN SEXUAL HARASSMENT OCCUR?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer-sponsored events or parties. Calls, texts, emails and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Continued on Next Page

January 1, 2021

3.02 SEXUAL HARASSMENT (Continued)

REPORTING SEXUAL HARASSMENT

Preventing sexual harassment is everyone's responsibility. CNC cannot prevent or remedy sexual harassment unless the Company knows about it. Any employee, intern (paid or unpaid) or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor or Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor or Human Resources.

Reports of sexual harassment may be made verbally or in writing. The written complaint form is located on the HR SharePoint page on the company intranet. All employees are encouraged to use this complaint form. Employees who are reporting potential sexual harassment on behalf of other employees should use the complaint form and note that the complaint is being made on behalf of another employee.

Employees, interns (paid or unpaid) or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Any employee who feels harassed should report the harassment so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

MANAGEMENT RESPONSIBILITIES

All supervisors who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Human Resources.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Continued on Next Page

January 1, 2021

3.02 SEXUAL HARASSMENT (Continued)

COMPLAINT INVESTIGATION

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses, and alleged perpetrators, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. CNC will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Human Resources will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete the "Complaint Form" in writing. If the complainant chooses not to complete the Complaint Form, Human Resources will prepare a Complaint Form based on the verbal report.
- If documents, emails, or phone records are relevant to the allegations, steps will be taken to obtain and preserve them.
- Human Resources or designee will request and review all relevant documents, including all electronic communications.
- Human Resources or designee will interview all parties involved, including any relevant witnesses.
- Human Resources or designee will prepare written documentation of the investigation (such as a letter, memo, or email) which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective actions action(s).

Continued on Next Page

January 1, 2021

3.02 SEXUAL HARASSMENT (Continued)

COMPLAINT INVESTIGATION (Continued)

- Written documentation and associated documents will be maintained by the company in a secure and confidential location.
- Following the investigation, Human Resources or designee will promptly notify the complainant and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Human Resources or designee will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

CORRECTIVE ACTION

If a report of sexual harassment is found to be valid, immediate, and appropriate corrective action will be taken. Employees or interns (paid or unpaid) who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. This determination will be based on all the facts of the case.

RETALIATION

CNC will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a sexual harassment claim including, but not limited to being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in a "protected activity." Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor of harassment;
- Reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Continued on Next Page

January 1, 2021

3.02 SEXUAL HARASSMENT (Continued)

RETALIATION (Continued)

Even if the alleged harassment does not rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

- Sexual harassment is not only prohibited by CNC but is also prohibited by state, federal, and (where applicable) local law. Aside from the internal process at CNC, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, employees may seek the legal advice of an attorney.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within three years** of the harassment. If an individual did not file at DHR they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to CNC does not extend the time to file with DHR or in court. The three years is counted from the date of the most recent incident of harassment.

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR Resources.

DHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

Continued on Next Page

January 1, 2021

3.02 SEXUAL HARASSMENT (Continued)

LEGAL PROTECTIONS AND EXTERNAL REMEDIES (Continued)

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

If an employee believes that they have been discriminated against at work, they can file a "Charge of Discrimination." The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling (800) 669-4000 (800) 669-6820 (TTY), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Continued on Next Page

January 1, 2021

3.02 SEXUAL HARASSMENT (Continued)

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, NY, NY; call 311 or (212) 306-7450; or visit www.nyc.gov/html/ccHumanResources/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

January 1, 2021

DEF00473

January 1, 2021

CNC

CNB000361

EXHIBIT C

3.03 NON-HARASSMENT

CNC is committed to maintaining an environment free from all forms of unlawful harassment and where all employees and interns are treated with dignity and respect. This includes conduct both at the workplace and at any other location where company-sponsored activities occur. CNC prohibits unlawful harassment against anyone, for any reason, including, but not limited to an individual's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, reproductive health decisions, familial status, national origin, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status and any other status protected by law. All employees, interns and non-employees conducting business in our workplace must refrain from engaging in unlawful harassment.

DEFINITION

The creation of an intimidating or hostile working environment, based on one or more of the above categories, constitutes unlawful harassment. Specific types of unlawful harassment include, but are not limited to:

- Physical harassment: refers to pushing, hitting or unwanted physical touching;
- Verbal abuse: refers to verbal comments made regarding an individual's actual or perceived membership in one of the protected categories listed above;
- Written harassment: refers to derogatory or degrading written comments made regarding an individual's actual or perceived membership in one of the protected categories listed above. Specific examples include, but are not limited to: e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures;
- Inappropriate, unwelcome behaviors such as whistling and/or not giving someone enough physical space; and
- Any other conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment as defined by law or has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affecting an individual's employment opportunities.

Continued on Next Page

January 1, 2021

3.03 NON-HARASSMENT (Continued)

Unlawful harassment, whether it is sexual, physical, verbal or written, is a form of employee misconduct which undermines the integrity of the employment relationship within CNC.

REPORTING HARASSMENT

All employees and interns have a duty to report any instances of harassment, whether the harassment is directed toward the employee or another employee and whether committed by a supervisor, fellow employee, or non-employee. Employees and interns, who believe they have been subject to harassment, or if they witness conduct they believe could be considered harassment, should immediately report the conduct to their supervisor or Human Resources. CNC will promptly and thoroughly investigate all reports. An employee who has not received a satisfactory response within five (5) business days after reporting any incident of perceived discrimination or harassment should contact the President/CEO.

MANAGEMENT RESPONSIBILITIES

Supervisors who observe an employee or intern violating this policy should take immediate action to stop the harassment. Supervisors who receive a report of harassment or obtain knowledge of potential harassment by other means must immediately notify Human Resources, even if no report has been made by an employee or intern or even if the employee or intern reporting the conduct has requested that no action be taken. A prompt and appropriate investigation, if necessary, will take place.

Supervisors are also responsible for ensuring that the company is free from unlawful harassment by individuals not employed by the company. This may include, but is not limited to: customers, vendors, independent contractors, visitors, or any other individual conducting business in the workplace. Supervisors aware of potential harassment must notify Human Resources immediately so the company can appropriately respond to the situation.

COMPLAINT INVESTIGATION

All complaints or information about suspected harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected harassment will be prompt and thorough. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses, and alleged perpetrators, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Continued on Next Page

January 1, 2021

3.03 NON-HARASSMENT (Continued)

COMPLAINT INVESTIGATION (Continued)

Any employee may be required to cooperate as needed in an investigation of suspected harassment. CNC will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a possible violation of this policy.

While the process may vary from case to case, investigations will generally be conducted in accordance with the following steps:

- Upon receipt of complaint, Human Resources will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete a "Complaint Form" in writing. If the complainant chooses not to submit a written complaint, Human Resources or designee will prepare a Complaint Form based on the verbal report.
- If documents, emails, or phone records are relevant to the allegations, steps will be taken to obtain and preserve them.
- Human Resources or designee will request and review all relevant documents, including all electronic communications.
- Human Resources or designee will interview all parties involved, including any relevant witnesses.
- Human Resources or designee will prepare written documentation of the investigation (such as a letter, memo, or email) which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Written documentation and associated documents will be maintained by the Company in a secure and confidential location.
- Following the investigation, Human Resources or designee will promptly notify the complainant and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Human Resources or designee will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

Continued on Next Page

January 1, 2021

3.03 NON-HARASSMENT (Continued)

CORRECTIVE ACTION

If a report of harassment is found to be valid, immediate and appropriate corrective action will be taken. Employees or interns who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. This determination will be based on all facts of the case.

CONFIDENTIALITY AND RETALIATION

It is the policy of CNC that any employee, intern or non-employee making a report or participating in the investigation of harassment will not be retaliated against in any way. Reports will be investigated promptly, and confidentiality will be maintained to the greatest degree possible, consistent with our obligation to thoroughly investigate the allegation. Employees or interns who feel that they have been retaliated against for reporting harassment or participating in the investigation should contact Human Resources.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Harassment based on a protected class is against the law. All employees have a legal right to a workplace free from illegal harassment. Employees can enforce this right by filing a complaint internally with CNC, or with a government agency or in court under federal, state, or local antidiscrimination laws.

Harassment is not only prohibited by CNC but is also prohibited by state, federal and (where applicable) local law. Aside from the internal process at CNC, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, employees may seek the legal advice of an attorney.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State regarding sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Continued on Next Page

January 1, 2021

3.03 NON-HARASSMENT (Continued)

LEGAL PROTECTIONS AND EXTERNAL REMEDIES (Continued)

Complaining internally to CNC does not extend the time to file with DHR or in court. The one to three years is counted from date of the most recent incident of harassment.

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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January 1, 2021

3.03 NON-HARASSMENT (Continued)

If an employee believes that they have been discriminated against at work, they can file a "Charge of Discrimination." The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling (800) 669-4000 (800) 669-6820 (TTY), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists.

Contact the Local Police Department

If the harassment involves physical violence or confinement, the conduct may constitute a crime. Contact the local police department.

January 1, 2021

CNC

CNB000367

EXHIBIT D

DEF00482

Hallowell, Abigail

From: Amy Briffa <abriffa@cnbank.com>
Sent: Tuesday, August 17, 2021 8:11 AM
To: Michelle Pedzich
Subject: RE: Handbook Acknowledgement for Jason Wemes



Transcript: Jason Wemes > Regulatory Training Curriculum (March-April 2021) (R/NR) >

2021 Annual CNC Employee Handbook Acknowledgement

> Edit Transcript Details

Training Details

Training Type: Online Class

Provider: Canandaigua National Bank and Trust

Version: 1

Training Hours: 0 Hours 5 Minutes

Description:

This acknowledgement training includes the summary of changes to the Employee Handbook for 2021. HR@cnbank.com with questions regarding the Employee Handbook.

Training Equivalence: 2021 CNC Employee Handbook Acknowledgement for New Hires (Online Class) (3/10/2021 8:45:4

Status: Completed

Due Date: None

Certificate: Print Certificate

TRAINING PROGRESS

Progress:  100% (1 of 1 units complete)

Last Accessed: 4/20/2021

Total Views: 1

View Time: 0 Hour(s) 2 Minute(s)

Status: Completed

Modules:  View details of modules for 2021 Annual CNC Employee Handbook Acknowledgement

Assignment and Version History**Transcript History**

DEF00483

Amy Briffa

Learning and Development Supervisor
Corporate Training and Development
Canandaigua National Bank & Trust
P: 585-419-0670 Ext. 41922

From: Michelle Pedzich <mpedzich@cnbank.com>
Sent: Tuesday, August 17, 2021 7:59 AM
To: Amy Briffa <abriffa@cnbank.com>
Subject: Handbook Acknowledgement for Jason Wemes

Amy,

Can you pull the last employee handbook acknowledgement "proof" for Jason Wemes?

Thank you,

Michelle

Michelle L. Pedzich, SPHR, SHRM-SCP

Senior Vice President
Chief Human Resources Officer (Pronouns: She, Her, Hers)
Canandaigua National Bank & Trust
72 South Main Street
Canandaigua, NY 14424
Direct Line: 585-393-6161
Cell Phone: 585-750-6640
e-mail: mpedzich@cnbank.com

Investing
in you



Canandaigua
National
Bank & Trust

EXHIBIT E

DEF00485

investing
in you



Canandaigua
National
Bank & Trust

Michelle L. Pedzich, SPHR
SVP, Director of Human Resources
72 South Main Street
Canandaigua, New York 14424
PHONE 585-393-6161
CELL 585-750-6640
mpedzich@cnbank.com
Web cnbank.com

October 27, 2014

Jason Wemes
100 State Route 96
Geneva, NY 14456

Dear Jason,

We are pleased to offer you the position of Custodial Supervisor in the Facilities Department reporting to David Baritot, Facilities Supervisor. This position is a part-time position and we anticipate that you will work between 20-25 hours per week. Your working hours generally will be after normal banking hours but may include daytime hours as needed to meet with departments and vendors. As discussed at the interview, this position is located at our main office in Canandaigua and involves travel to Ontario County branches.

Your base pay rate will be \$15.90/hour. While you are at this pay rate, if you should work over 40 hours in one week, your overtime rate is \$23.85/hour. You will receive two weeks' of vacation (prorated) in 2014. This offer is contingent upon our receipt of an acceptable background check.

If possible, we would like you to join our team on Monday, November 3, 2014 or as soon as possible after that date.

Please respond to Diana Wright with your decision by the end of the day on Wednesday, October 29, 2014.

Please also feel free to contact Diana Wright or David Barito if you have any questions. We truly hope that you become a member of our team!

Sincerely,

A handwritten signature in cursive script that reads "Michelle L. Pedzich".

Michelle L. Pedzich, SPHR
SVP, Director of Human Resources

I accept the terms of the position offered above:

A handwritten signature in cursive script that reads "Jason Wemes".
Jason Wemes

11-3-2014
Date

DEF00486

U.S. District Court
Southern District of New York



Case No. 22-cv-00000
Page 39 of 120

1. The Court has reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

2. The Court has also reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

3. The Court has also reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

4. The Court has also reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

5. The Court has also reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

6. The Court has also reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

7. The Court has also reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

8. The Court has also reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

9. The Court has also reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

10. The Court has also reviewed the evidence presented by the parties and the testimony of the witnesses. The Court finds that the evidence is sufficient to establish that the defendant is guilty of the crime charged.

EXHIBIT F

CANANDAIGUA NATIONAL BANK & TRUST PROFIT SHARING 401(k) PLAN BENEFICIARY DESIGNATION

Note: For clarity purposes, please print all data

1. PARTICIPANT INFORMATION

Participant Name JASON A. Wemes Social Security # [REDACTED]

As a Participant in the above Plan, I hereby designate the following individual(s) as my primary and alternate Beneficiaries in the event of my death prior to the date on which my benefits commence to be paid under the Plan. If I have designated a non-Spouse Beneficiary, my Spouse has consented to the designation in the appropriate section of this form.

2. PRIMARY BENEFICIARY

Name(s)	<u>Joshua Passalacqua</u>	<u>Kristin Besaw</u>
Address	<u>100 State Route 96</u>	<u>7 Crane Apt 410</u>
	<u>Geneva, N.Y. 14456</u>	<u>Clifton Springs NY 14432</u>
Birth Date	[REDACTED]	Soc. Sec. # [REDACTED]
Relationship	<u>Life Partner</u> Percentage <u>100%</u>	Relationship <u>Sister</u> Percentage <u> </u>

3. ALTERNATE BENEFICIARY

If my Primary Beneficiary(ies) is(are) deceased at the time of my death, I designate the following as my Alternate Beneficiary(ies) under the terms of the above Plan.

Name(s)	_____	_____
Address	_____	_____
Birth Date	_____ Soc. Sec. # _____	Birth Date _____ Soc. Sec. # _____
Relationship	_____ Percentage _____	Relationship _____ Percentage _____

4. PAYOUT METHOD

Any death benefit due my designated Beneficiary or Beneficiaries shall be payable as follows (select one):

- ☐ My Beneficiary(ies) will select his/her own method of payment
- ☐ My Beneficiary(ies) will receive installment payments over a period not to exceed the life expectancy of my Beneficiary(ies) (only available if your vested account balance exceeds \$5,000).
- ☒ My Beneficiary(ies) will receive a Lump Sum payout.

DEF00489

THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
IN RE: [REDACTED]

APPEAL FROM THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA
[REDACTED]

THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
IN RE: [REDACTED]

APPEAL FROM THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA
[REDACTED]

THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
IN RE: [REDACTED]

APPEAL FROM THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA
[REDACTED]

THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
IN RE: [REDACTED]

APPEAL FROM THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA
[REDACTED]

THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
IN RE: [REDACTED]

CNB000041

DEF00490

5. SPOUSE'S CONSENT

I hereby approve of, and consent to, the Beneficiary designation adopted by my Spouse as provided above. I understand that I am entitled to receive a Spouse's benefit under the Plan unless I consent to a different Beneficiary designation. I also understand that the above designation has the effect of causing the death benefit under the Plan to be paid to another beneficiary. I further understand that my Spouse may not change the Primary Beneficiary designation on this form without first obtaining my written consent.

Signature of Plan Participant's Spouse_____
Date**WITNESS**

The signature of the participant's spouse by law must be witnessed by a plan representative *OR* a notary public.

Authorized Plan Administrator Signature_____
Date**OR**

I, _____, a notary public for the County of _____ and the State of New York do hereby certify that the above-named participant's spouse appeared before me and acknowledged that he/she is the spouse of the participant, and that the above consent was signed by the participant's spouse.

Witness my hand and notary seal, this the _____ day of _____, 20_____.

My Commission Expires: _____

Signature of the Notary Public**6. PARTICIPANT'S CERTIFICATION, IF NO SPOUSE**

☒ I hereby certify that I am not now married and that there are no Plan benefits payable to a former spouse under a Qualified Domestic Relations Order.

☐ I hereby certify that I am not now married, however, there may be a reduction in my benefits as a result of a Qualified Domestic Relations order.

Participant Signature_____
Date 11-3-2014**7. PARTICIPANT'S AUTHORIZATION**_____
Participant's Signature_____
Date 11-3-2014_____
Authorized Plan Administrator Signature_____
Date 11/3/14

EXHIBIT G

DEF00493

06-

BENEFICIARY DESIGNATION

I designate the person(s) below to receive my ESOP death benefit. I understand that if I am married my sole primary beneficiary will be my surviving spouse, and the designation of any other primary beneficiary is not effective, unless the Spousal Consent on page 3 is properly completed. By signing this Form, I revoke all previous ESOP death beneficiary designations.

PRIMARY BENEFICIARY:

Name and Current Address	Relationship	Social Security No.	Percentage
Joshua Passalacqua 100 State Route 96 Genoa NY 14456	Life Partner	[REDACTED]	100%

Note: If you designate more than one primary beneficiary, the death benefit will be divided equally among primary beneficiaries who survive you, unless you specified different percentages. If two or more, but not all, primary beneficiaries survive you, the death benefit will be paid to surviving primary beneficiaries in proportion to their respective original percentages. If only one primary beneficiary survives you, the death benefit will be paid to the sole surviving primary beneficiary. If all primary beneficiaries predecease you, the death benefit will be paid to your secondary beneficiaries.

SECONDARY BENEFICIARY:

Name and Current Address	Relationship	Social Security No.	Percentage
Kristina Braschi ^{AKA} 7 Crane St	Sister	[REDACTED]	100%
7 Crane St Apt 410 NY 14032			

Note: Your death benefit will be paid to secondary beneficiaries only if all primary beneficiaries predecease you. If you designate more than one secondary beneficiary, the death benefit will be divided equally among the secondary beneficiaries who survive you, unless you specified different percentages. If two or more, but not all, secondary beneficiaries survive you, the death benefit will be paid to surviving secondary beneficiaries in proportion to their respective original percentages. If only one secondary beneficiary survives you, the death benefit will be paid to the sole surviving secondary beneficiary. If all secondary beneficiaries predecease you, the death benefit will be paid to your estate.

Jason Wemes 11-3-2014 Jason Wemes
Signature Date Participant's Name (Print)

DEF00494

DECLARATION OF [Name]

I, [Name], do hereby declare that the foregoing is a true and correct statement of the facts and circumstances as to which I am making this declaration. I am making this declaration for the purposes of the [Case Name] and I am aware of the consequences of making a false declaration.

Subscribed and sworn to before me on this [Date] day of [Month], [Year].

Notary Public for the State of [State]
 My Commission Expires on [Date]
 My Notary Public Number is [Number]

1

I, [Name], do hereby declare that the foregoing is a true and correct statement of the facts and circumstances as to which I am making this declaration. I am making this declaration for the purposes of the [Case Name] and I am aware of the consequences of making a false declaration.

Subscribed and sworn to before me on this [Date] day of [Month], [Year].

Notary Public for the State of [State]
 My Commission Expires on [Date]
 My Notary Public Number is [Number]

1

I, [Name], do hereby declare that the foregoing is a true and correct statement of the facts and circumstances as to which I am making this declaration. I am making this declaration for the purposes of the [Case Name] and I am aware of the consequences of making a false declaration.

Notary Public for the State of [State]
 My Commission Expires on [Date]
 My Notary Public Number is [Number]

Date

CNB000045

DEF00495

SPOUSAL CONSENT

I have read and understand the explanation on page 1. By signing this Consent I am waiving my right to receive any death benefit to which I would otherwise be entitled under the ESOP, and am agreeing to the payment of the death benefit to the person(s) designated in the Beneficiary Designation. I further understand that his Consent is irrevocable.

Spouse's Signature

Name of Spouse (Print)

Date:

STATE OF NEW YORK)
COUNTY OF) ss.:

On the ____ day of _____, in the year 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument above, acknowledged to me that he/she executed the same in his/her individual capacity and that, by his/her signature on the instrument, the individual executed the instrument.

Notary Public

CERTIFICATION OF UNMARRIED STATUS

I hereby certify that as of the date below I am not married.

Jason Wemes
Participant's Signature

Jason Wemes
Participant's Name (Print)

Date: 11-3-2014

(19) 34 526,22 % (19%)

[illegible]

EXHIBIT H

DEF00498

Jason Wemes
715-Custodial Supervisor

Position ID - 1X6002464

Reports To - Brett Elliott

Department - 500901-FACILITIES

Business Unit - 400-OPERATIONS

Location - 50-OPERATIONS

REVIEW INFORMATION

Nov Annual Review Supervisor

Review Period - 11/01/2017 to 10/31/2018

Status - Employee Acknowledged

Target Completion Date - 10/31/2018

REVIEWER INFORMATION

Reviewer - Brett Elliott

INTRODUCTION

After assigning your employee as a contributor to provide a self-assessment, click on done. Do not complete and submit the review until your employee has completed their self-assessment. If you would like a contribution from a former Manager, they can be added as well.

RATING SCALE

Far Above Expectations	Performance is regularly significantly beyond the expectations for the position particularly in those areas with the greatest positive impact to the organization; performance is highly results oriented with a strong demonstration of values and integrity.
Above Expectations	Performance consistently meets expectations with superior performance demonstrated in more than one area; performance achieves results with an attention to values and integrity.
Meets Expectations	Performance meets expectations and results are achieved in a capable and values oriented manner; performance may exceed expectations in some areas - this is a fully satisfactory performance assessment.
Below Expectations	Performance often meets expectations but does fall below expectations in one or more critical areas; performance needs are often tied to a need for increased time in position and lack of performance is not related to a willful lack of attention to position expectations; employee meets values expectations.
Far Below Expectations	Performance is regularly below standards in a number of critical areas; employee has had an adequate to meet expectations but continues to fail; employee meets corporate values expectations OR job performance expectations are met but the employee consistently fails to demonstrate corporate values.

QUESTIONS

Instructions

Conducting employee performance appraisals is a productive and meaningful activity that positively contributes to the success of our organization. For each of the questions or key performance indicators, you should measure the productivity of the employee and how he/she builds relationships across all levels of your organization to assist with effective and coordinated work.

1 - Review prior year goals and highlight key progress made towards goals.

Category - Employee Development

Employee Response

Meeting with fellow vendors and testing out and getting more direct information on quality and pricing. getting ideas for later down the road. Meeting with Dortex, Zep, as well working with AI from Staples making sure we get the best price.

Meeting with Cleaner image (Kim) on scheduling our annual carpet cleaning for all of our locations. Worked side by side with Kim and fellow staff on meeting with them to get the completed carpet cleaning. Making sure secured areas were followed with outside vendors.

Organizing meetings with staff members for training and information updates on MSDS sheets for each branch. Including inspections of Ontario branches as well as Monroe county branches making sure to get in touch with our vendor Vanguard and ABM.. Making sure to set up meetings, getting pictures of problem areas bring them up to get back on track with CNB Stander with cleaning. I feel I have stepped up with the communication with out vendors outside of our company. Making sure either it is getting back on track or finding out new information on possible products we could utilize in the near future.

Reviewer Response

1. Jason will have oversight in maintaining an up-to-date and organized Material Safety Data Sheets (MSDS) manual of all cleaning chemicals used in all bank locations. Jason will incorporate MSDS training within his staff training program. Progress Noted. Training of Staff on MSDS Target date: April 2018. COMPLETED - Staff trained one on one

2. Jason will assist in conducting regular inspections of bank branches and office in Ontario (quarterly) and Monroe (at least twice a year) counties assuring that all locations meet CNB standards of cleanliness. Jason will have the added responsibility for oversight of the CNB locations that utilize Vanguard Cleaning Service; acting as the point of contact between the bank and cleaning staff and assuring that CNB standards are maintained or exceeded. Target Date: Progress Noted. Amended for 2019

3. Jason will take the lead in developing a semiannual carpet cleaning program for all locations of CNB; including coordination with established outside vendors to conduct any necessary deep cleaning. Progress Made – Plan established - cleaning program will roll out in Spring 2018. COMPLETED

4. Jason will continue to maintain records related to inventory, equipment maintenance and staff training. (ONGOING) Jason will develop a preventative maintenance plan for equipment including a suggested replacement schedule (CARRIED OVER TO 2019). Jason will conduct review of products and vendors to assure quality of product, price

DEF00501

and service (COMPELTED) Progress made – carried over to 2019

5. Jason will be provided opportunity to cross train within the department to expand his skills in the area of repair and assessment. He will continue to assist in managing work orders and he will spend time shadowing facilities staff allowing for hands on skill development in the fulfillment of the work order process. – Ongoing 2018

2 - Identify goals the employee should accomplish over the next year.

Category - Employee Development

Employee Response

Continue with working with our outside (Monroe county) cleaning vendors meeting with them as needed to make sure they are on top of things as well if any improvement is needed on our end or theirs.

continue with learning more of the facilities side of things rather than just the cleaning side of things.

Reviewer Response

Jason will have the increased oversight responsibility for custodial services in all bank office and branch locations. Jason will continue to conduct regular inspections of bank branches and office in Ontario (quarterly) and Monroe (at least twice a year) counties assuring that all locations meet CNB standards of cleanliness. Jason will meet with custodial vendors at least twice a year to review site inspections and review need, Target Date: Ongoing 2019

Jason will schedule semiannual carpet cleaning program for all locations of CNB; including coordination with established outside vendors to conduct any necessary deep cleaning. Progress Made – Plan established - ongoing Spring & Fall 2019

Jason will continue to maintain records related to inventory, equipment maintenance and staff training. Jason will develop a preventative maintenance plan for equipment including a suggested replacement schedule. Target Date: April 2019

Jason will continue to have opportunity to cross train within the department to expand his skills in the area of repair and assessment. He will continue to assist in managing work orders and he will spend time shadowing facilities staff allowing for hands on skill development in the fulfillment of the work order process. – Ongoing 2019

3 - CORE VALUES: Treats others with respect and courtesy and demonstrates professionalism. Works with integrity and honesty. Keeps commitments and takes responsibility for actions. Makes decisions that are in the best interest of the organization.

Category - Core Values

Employee Response

☒ Yes

☐ No

I feel I treat others with respect and courtesy. I do demonstrate professionalism while working with others. I do work with honesty and integrity. I keep my commitments and take full responsibility of my actions. I strive to make decisions that are in the best interest of our organization. I am hard worker and I am very eager to move

DEF00502

my way up in the company and in order to do so I strive for Core Values with CNB.

Reviewer Response

☒ Yes

☐ No

Jason is a person of integrity and honesty - he treats all with respect and courtesy. As a supervisor he leads his staff as a mentor - working to each team members strengths; he shows patience and fosters individual success through one on one skill building

4 - JOB KNOWLEDGE: Understands facets of job, aware of duties and responsibilities, keeps job knowledge current. Completes work accurately.

Weighted at 10%

Category - Intellect

Employee Response

Above Expectations

I fully understand my facets of my position and aware of my duties and responsibilities. I keep my job knowledge up to date and I know at times I could be helping out facilities or another area outside of my position. I make sure to keep my self open to learn more to better my self and the company.

Reviewer Response

Above Expectations

Jason understands his job responsibilities and is aware of his duties as a team member and supervisor. He is able to have the "hard" conversations with his staff and is willing to seek out help when needed. He is an active learner seeking out new information to better himself and meet job expectations.

5 - INITIATIVE: Takes action, seeks new opportunities, strives to see projects to completion. Asks for help when needed. Looks for new and better ways to get things done.

Weighted at 10%

Category - Teamwork

Employee Response

Above Expectations

I feel I take proper action and seeks new opportunities that will better myself as well the company. I always make sure to follow through to see any project to completion. I am not afraid to ask for help when needed. I look for new and better ideas that might help complete the task in timely manner.

Reviewer Response

Above Expectations

Jason is willing to take on any task requested of him. He is open to take directions and does not hesitate to ask for help when needed. He strives for accuracy and to have projects completed on time. As a supervisor Jason works to provide opportunities for team building within his reports - as his time works independently by nature of their positions - Jason a strong communicator - assuring that his team is kept up to date with CNB/department information, product information and building needs. Jason utilizes the supervision process to share ideas and problem solve issues.

6 - SYNERGY: Collaborates and communicates within and across Lines of Business in order to help other customer (internal and external) relationships or experiences. Contributes to positive team spirit.

Weighted at 10%

Category - Communication

Employee Response

Far Above Expectations

I feel that I am at the top with my communication and collaborations within and across all the lines of business in order to help internal and external customers and team members. I strive to keep the positive attitude for our team. I make sure to be on the same page as everyone that way there is no error for any miss communication from the team and my fellow supervisors and staff members.

Reviewer Response

Far Above Expectations

Jason is a strong communicator. He has established positive working relationships with both internal and external customers. Jason is a team player always strives to go above and beyond for the customer.

DEF00504

7 - CUSTOMER SERVICE: Works well with both internal and external customers, promotes a positive image of the company, strives to solve issues raised by internal or external customers in a positive and proactive manner. Keeps the customer in the forefront of decisions and actions.

Weighted at 10%

Category - Customer Service

Employee Response

Far Above Expectations

I feel that I am at the top with my communication and collaborations within and across all the lines of business in order to help internal and external customers and team members. I strive to keep the positive attitude for our team. I make sure to be on the same page as everyone that way there is no error for any miss communication from the team and my fellow supervisors and staff members.

Reviewer Response

Far Above Expectations

Jason is very customer service focused whether addressing the needs of a CNB employee or assuring a clean and safe environment for our banking customer - the customer is always in the forefront of his decisions and determining his priorities. As a supervisor, Jason strives to meet the needs of his staff- assuring they have what they need to maintain a clean area, provided with timely information and working to schedule time off as requested.

8 - DEPENDABILITY: Meets deadlines, works independently, accountable, maintains focus, punctual, good attendance record.

Weighted at 10%

Category - Dependability

Employee Response

Far Above Expectations

I strive to make sure any duty I have assigned to my self or my team is completed in timely manner and meeting any deadlines. I can work independently and within a team setting. I hold my self for accountability and maintains focus some times it may slip but I get right back on track with the task. I make sure I come to work on time and ready for the what day and shift has in store for me. I come in early time to time to help out the rest of the team when needed as well.

DEF00505

Reviewer Response

Far Above Expectations

Jason is very dependable and meets all deadlines agreed upon. He is able to work independently and takes accountability for his actions. He is able to adjust his schedule as needed to provide supervision for his staff; he is always willing to support the department by covering shifts as needed for special events, staff vacations or time sensitive projects.

9 - ORGANIZATION SKILLS: Information organized and accessible, maintains efficient work space, manages time well.

Weighted at 10%

Category - Organization Skills

Employee Response

Above Expectations

I believe that I am a organized person. I keep records for any trainings that have come up and past with employees. Inspections, Information on our Products (vacuum cleaners, cleaning supplies and MSDS. I keep all information for carpet cleanings that have been completed. I do need some work as far as my desk maybe needs some improving. I feel that I am pretty organized person in all.

Reviewer Response

Above Expectations

Jason is able to manage and organize his time well - splitting this time between supervisory responsibilities, special projects and administrative duties. He has successfully established a relationship with a vacuum cleaner vendor addressing the maintenance and scheduled replacement needs of our vacuum inventory. He has also taken on the task of scheduling and oversight of the semiannual carpet cleaning of all CNB locations supporting longevity of our carpets.

10 - COMPLIANCE: Follows company policies, procedures and practices. Completes required training on time. Follows time reporting requirements. Strictly protects the privacy of customer, corporate and employee information.

Weighted at 10%

Category - Compliance

Employee Response

DEF00506

Far Above Expectations

I like to say I am on top of my trainings that are required and make sure to follow time reporting requirements. I make sure any and all staff and customers private information as well corporate private. I follow company policies and procedures following through with practices. keeps up to date on any trainings that are due or would better myself with in the company.

Reviewer Response

Far Above Expectations

Jason follows all company policies and procedures and as a supervisor assures that his department is compliant with all CNB expectations, policies and procedures. Jason is aware of reporting requirements and is immediate to report an incident if and when it may occur.

11 - BUDGET: Appropriately uses resources to maximize effectiveness and minimize waste. Manages overtime effectively.

Weighted at 5%

Category - Budget

Employee Response

Above Expectations

I strive to make sure folks are getting the proper time in for the task in which is required to be completed. I make sure to watch any overtime possibility's. I make sure to use my resources to maximize effectiveness to minimize any waste with product or staff.

Reviewer Response

Above Expectations

Jason is aware of his budget and takes the time to assess spending. He uses supervision to review needs and suggest changes to vendors that he believes will lower spending while maintaining quality. As a supervisor, Jason works with his staff to assure that they are mindful of not wasting CNB resources.

12 - PROBLEM SOLVING: Strives to understand contributing factors, works to resolve complex situations.

Weighted at 5%

Category - Leadership

DEF00507

Employee Response

Above Expectations

I like to solve problems it is a challenge I like to try to solve. I take the appropriate time to gather the information to come up with a plan and in some cases I have to think fast for a quick solution. Then I have little time to come up with a more permanent solution. I like to get all the information that is possible and find ways to resolve complex solutions.

Reviewer Response

Above Expectations

Jason is a positive leader of his staff. He works with each team member to assure that they have all the resources possible to be successful and to maintain a clean and safe area. When an issue or concern arises - Jason is able to problem solve to determine the best resolve to the issue. Jason is able to share his opinions while at the same time is able consider alternative opinions offered by other team members.

13 - EMPLOYEE MANAGEMENT & DEVELOPMENT: Provides regular feedback and coaches employees. Provides appropriate learning and development opportunities. Promptly addresses employee issues and concerns. Provides timely recognition. Coordinates with Human Resources when appropriate.

Weighted at 10%

Category - Employee Management

Employee Response

Far Above Expectations

I meet with most if not all staff in a weekly if not nightly manner, making sure things are going great if something came up that needs attention I am their to help coach. With my diverse team I am challenged with making sure I am approaching in the right manner. So it is absorbed in the professional manner. If their is an issue with a employee I make sure to address it right then and there. I keep my communication open with Human Resources that way if it needed to go further they are on the same page with my documented paper work.

Reviewer Response

Far Above Expectations

Jason is a positive mentor to his staff. He is able to set clear and realistic expectations; when needed he is able to have difficult conversations.

14 - COMMUNICATION & INTERPERSONAL SKILLS: Communicates well (written and verbal), has good listening skills. Willingly shares information to keep others informed. Builds strong relationships, is flexible/adaptable, works well with others, solicits feedback.

Weighted at 10%

Category - Communication

Employee Response

Far Above Expectations

I am on top of my communication across the board. I make sure that I am keeping everyone in the loop of what is going on or has come up. I make sure I cross my T's and dot my I's with my written communication. I take pride in my documentation and other forms. I like to make sure everyone is on the same page as far as important information. I like to use it to build strong relationships with fellow staff, customers and vendors. making sure if something needs to be addressed I get it done in timely manner. I look for the Feed back on my position and my actions for both reasons to better myself going forward.

Reviewer Response

Far Above Expectations

Jason is a positive communicator with good listening skills. Jason is a relationship builder and is able to adjust his supervision style to meet the needs of each of his direct reports. He works well independently or within the team.

OVERALL COMMENTS

Employee Response

Overall Rating

Far Above Expectations

I feel I have come along a way from last year. I know I have been involved with more responsibility and i take great pride in the hard work i complete and do. Not just for my team but for my self as well. I keep taking on every day with new challenges and find ways to better the company and my team just as much my self. I look forward to working with this amazing team and keep my team of cleaners going strong even though we have some hiccups I work hard to keep them going strong.

Reviewer Response

Overall Rating

Far Above Expectations

Jason is always willing to lend a hand and to take on a challenge. Jason is a positive mentor for his staff and is skillful in managing the various needs of his direct reports. Jason is a vital part of the Facilities team and I am grateful for his passion and commitment to the department and to CNB.

EMPLOYEE ACKNOWLEDGEMENT

Employee Signature

Acknowledgement Date

Jason Wemes

02/21/2019

Employee Comments

Not Available

EXHIBIT I

DEF00511

Jason Wemes
715-Custodial Supervisor

Position ID - 1X6002464

Reports To - Brett Elliott

Department - 500901-FACILITIES

Business Unit - 400-OPERATIONS

Location - 50-OPERATIONS

REVIEW INFORMATION

Nov Annual Review Supervisor

Review Period - 11/01/2018 to 10/31/2019

Status - Employee Acknowledged

Target Completion Date - 10/31/2019

REVIEWER INFORMATION

Reviewer - Brett Elliott

INTRODUCTION

After assigning your employee as a contributor to provide a self-assessment, click on done. Do not complete and submit the review until your employee has completed their self-assessment. If you would like a contribution from a former Manager, they can be added as well.

RATING SCALE

Far Above Expectations	Performance is regularly significantly beyond the expectations for the position particularly in those areas with the greatest positive impact to the organization; performance is highly results oriented with a strong demonstration of values and integrity.
Above Expectations	Performance consistently meets expectations with superior performance demonstrated in more than one area; performance achieves results with an attention to values and integrity.
Meets Expectations	Performance meets expectations and results are achieved in a capable and values oriented manner; performance may exceed expectations in some areas - this is a fully satisfactory performance assessment.
Below Expectations	Performance often meets expectations but does fall below expectations in one or more critical areas; performance needs are often tied to a need for increased time in position and lack of performance is not related to a willful lack of attention to position expectations; employee meets values expectations.
Far Below Expectations	Performance is regularly below standards in a number of critical areas; employee has had an adequate to meet expectations but continues to fail; employee meets corporate values expectations OR job performance expectations are met but the employee consistently fails to demonstrate corporate values.

QUESTIONS

Instructions

Conducting employee performance appraisals is a productive and meaningful activity that positively contributes to the success of our organization. For each of the questions or key performance indicators, you should measure the productivity of the employee and how he/she builds relationships across all levels of your organization to assist with effective and coordinated work.

1 - Review prior year goals and highlight key progress made towards goals.

Category - Employee Development

Employee Response

I have made sure that the MSDS book is up to date with our cleaning supplies. With new ones for our new cleaning chemicals that we are using.

I have been completing regular inspections with our branches to make sure not only is In-house but our contract branches are keeping up to our standard. of cleaning. I know couple branches that (Brett and Barb haven been to had few issues that where reported) i have reached out to make sure these where being address in timely manner. with our team changing with fellow staff i have been keeping the cross training with other areas of the branch and branches. keeping up to date with our inventory with our equipment with each branch and main office.

i have taken more time to have the more difficult conversations with others when needed. As i know that was something i was to work on as well. i have stepped up and have more confidence with that as well.

Reviewer Response

This past year Jason has reduced spending on janitorial supplies by researching, product sampling and price comparing- notable was the more than 50% saving on cases of Toilet paper, Paper toweling and dish soap. Jason has assured that the training of his staff remain current through his quarterly team meetings and continues to coach and mentor new and existing employees. Jason proposed an effective change to his time by filling a vacant position with an existing employee taking super part-time positions to create a part-time position - a change that has proven to be very successful.

2 - Identify goals the employee should accomplish over the next year.

Category - Employee Development

Employee Response

Continue with working with our outside vendors for cleaning and products.

Continue cross training fellow staff with new areas and other branches.

Work on getting more involved with outer contracts for cleaning issues and help with finding other carpet

DEF00514

cleaning company.

cross training with facilities on things to be able to help out more with the team. i am familiar with the day to day stuff but like to get more in depth.

Reviewer Response

Jason will continue to manage his expenses and in the coming year will assess and cost savings for the inhouse ordering and delivery of janitorial supplies for Monroe County locations where presently the contracted service bills for janitorial items (toilet paper, paper towel, trash liners, hygiene products). Jason will strive to maintain a carpet cleaning and deep cleaning schedule for each of the CNB location with a goal of twice annually. Jason will be given the opportunity to participate in leadership/managment training workshops to meet his personal professional development aspirations. Jason will continue to utilize his lead custodial as a resource in scheduling and coordinating projects. Work with other supervisors within the team to provide leadership that supports project goals, staffing and training needs of the Facilites Department.

3 - CORE VALUES: Treats others with respect and courtesy and demonstrates professionalism. Works with integrity and honesty. Keeps commitments and takes responsibility for actions. Makes decisions that are in the best interest of the organization.

Category - Core Values

Employee Response

☒ Yes

☐ No

I always keep my commitments and take responsibility for my actions. Being professional and demonstrating with courtesy and respect. I work with Integrity and honesty to make sure that i am a proud supporter while making all decisions are in the best interest not only in my organization but for my self to. I see and treat others with the respect as i would want to be treated back. i am great full to be part of an amazing team.

Reviewer Response

☒ Yes

☐ No

Jason is a quality person of integrity. He take responsibilty for his actions and is a man of his word. He is committed to the core values of CNB and has CNB's best interest in mind at all times.

4 - JOB KNOWLEDGE: Understands facets of job, aware of duties and responsibilities, keeps job knowledge current. Completes work accurately.

Weighted at 10%

Category - Intellect

DEF00515

Employee Response

Far Above Expectations

i have many facets that is part of my job and i always make sure to complete and i am fully aware of my responsibilities and duties that are required to get the many tasks completed. I keep my job Knowledge up to date as well completing all of my tasks as well with helping out others as well. I thrive to learn more and be part of more than whats required as that helps me to grow in our company and also help out when in need.

Reviewer Response

Far Above Expectations

Jason has a solid understanding of his duties as a supervisor and for the responsibilities and expectation of the duties of his custodial team. Jason strives daily to maintain a clean environment that is pleasing to the eye and safe for internal and external customers alike. Jason works diligently to remain current in cleaning trends, products and equipment through reading and research.

5 - INITIATIVE: Takes action, seeks new opportunities, strives to see projects to completion. Asks for help when needed. Looks for new and better ways to get things done.

Weighted at 10%

Category - Teamwork

Employee Response

Far Above Expectations

I am always looking for new and better or improved ways to complete tasks and get things done in timely manner. I am not afraid to take action and jump in to get any task completed. i always like make sure that all projects are completed and see if there was a better way to complete. i ask for help most of the time to make sure if i'm short or struggling and i need help. I do take a little pride of asking at times but over all i think i do ask more for help than to let things get behind and not completed. I like to make sure the team and group is all on the same page which that helps a lot in the end. i am always looking for new ways to save money and improve our team or utilize all of our resources.

Reviewer Response

Far Above Expectations

Jason is always willing to take on any task asked of him. He is a team player and is willing to leadership roles to complete a task. Jason takes the initiative for preventive maintenance working to maintain a routine of carpet care, deep cleaning and equipment maintenance. Jason supports facilities team through assistance with time saving deliveries, room/meeting set-up, light bulb changes.

6 - SYNERGY: Collaborates and communicates within and across Lines of Business in order to help other customer (internal and external) relationships or experiences. Contributes to positive team spirit.

Weighted at 10%

Category - Communication

Employee Response

Far Above Expectations

I am always making sure i am communicating with our team as well across the lines of business. This makes it so everyone is on the same page and there is no miss understanding. i like to contribute my ideas with the team on things so we can weigh out all the options and find the better solution. I am always contributing positive team spirit to our team and department. Not only with our own department but as well with customers that may need help with something or they see me with a shirt on and ask me how is CNB? Its not only in our work that it shows but as well out side too.

Reviewer Response

Above Expectations

Jason is a sound communicator working to assure information is shared regarding changes to cleaning routines or special project times (carpet cleaning, deep cleaning). He solicits feedback from his team regarding changes in products to assure that it is meeting the cleaning needs of the custodial as well as meets the expectation of the CNB staff in general. Jason takes the time to engage with staff, department supervisor or exective staff to make sure that any task needing to be done will meet their schedule and interfere with bank operations. Jason has improved in his ability to share the necessary information and to "silence" any rumor or gossip that he may be confronted with.

7 - CUSTOMER SERVICE: Works well with both internal and external customers, promotes a positive image of the company, strives to solve issues raised by internal or external customers in a positive and proactive manner. Keeps the customer in the forefront of decisions and actions.

Weighted at 10%

Category - Customer Service

DEF00517

Employee Response

Above Expectations

i work well with internal and external customers if it be vendors or someone asking me about banking. i promote a positive image and always look forward to the challenge to solve any and all issues with internal or external customers. With a smile and positive attitude and proactive manner. while always keeping the customers at the fore front of any and all decisions and actions. As we all know Actions speak louder than words.

Reviewer Response

Far Above Expectations

Jason provides exceptional customer service for both the internal and external customer. He takes the time to assure that attention is given to detail, he always has a smile and welcoming "hello" and is willing to take the time to assist when asked.

8 - DEPENDABILITY: Meets deadlines, works independently, accountable, maintains focus, punctual, good attendance record.

Weighted at 10%

Category - Dependability

Employee Response

Far Above Expectations

I am always making sure i either meet or ask for extension on any deadline that comes up with work tasks. I can work independently and with a team setting as well i can be flexible. i hold my self accountable for all my actions and i am punctual for work and ready for the day. I have great attendance record (minus the throat issues for doctors) i am one that can be counted on and get the work done in timely manner. if i am struggling with something i am not afraid to ask for help.

Reviewer Response

Far Above Expectations

Jason is committed to meeting all deadlines and shares timely information if there would be an issue that would cause a delay in completing a task as requested. Jason is accountable for his actions and takes immediate responsibility for errors and is willing to take corrective measures to correct the error. He is punctual and dependable coming to work ready to "hit the ground running".

DEF00518

9 - ORGANIZATION SKILLS: Information organized and accessible, maintains efficient work space, manages time well.

Weighted at 10%

Category - Organization Skills

Employee Response

Above Expectations

I feel that my information is organized and accessible. i manage my time well making sure folks are getting the proper work completed and tasks are being completed as well. I maintain a efficient work space so staff know where cleaning products are and easy to access. My desk looks like mess at times but all of my important information is in files and locked drawer easy to access to.

Reviewer Response

Above Expectations

Jason manages his time and his staffs time well. Supplies are ordered in a timely fashion and inventory maintained appropriately. He is able to share information with organized detail that is clearly understood.

10 - COMPLIANCE: Follows company policies, procedures and practices. Completes required training on time. Follows time reporting requirements. Strictly protects the privacy of customer, corporate and employee information.

Weighted at 10%

Category - Compliance

Employee Response

Far Above Expectations

I am one to follow and make sure fellow team members are following company policies and procedures as well practices. Always completing required training on time and following time reporting requirements. I am always protecting very important information with it being customer, employee or corporate information. i see it that my job on the line if i was to let that get in the wrong hands. if something is left out i turn it over and let the department know or staff that it was found.

Reviewer Response

Far Above Expectations

Jason maintains confidentiality assuring that customer and bank information is always protected. Jason is responsible for the oversight and collection of confidential materials that are to be shredded - taking care to follow CNB policies and procedures. As a supervisor Jason take time to review confidentiality requirement and procedures with his team.

11 - BUDGET: Appropriately uses resources to maximize effectiveness and minimize waste. Manages overtime effectively.

Weighted at 5%

Category - Budget

Employee Response

Far Above Expectations

I am always looking for ways to save money for supplies and using all the resources to maximize effectiveness. Always trying to minimize waste as that just costs our company and hurts the employees as well. I manage overtime when i know i might be close to making sure i leave early or take a day off to balance out the hours.

Reviewer Response

Above Expectations

Jason is cost conscious with a clear understanding of his department budget. He seeks quotes for equipment purchases and reviews supply pricing on a regular basis to assure best price possible. Jason is mindful of staff scheduling to assure that overtime is not incurred and is able self monitor his time and schedule to remain within his allotted hours.

12 - PROBLEM SOLVING: Strives to understand contributing factors, works to resolve complex situations.

Weighted at 5%

Category - Leadership

Employee Response

Above Expectations

I always love a great challenge to solve any problem. i get all the information and factors so that we or i can work together to resolve the complex situation that do and will arise time to time. i may not jump up 1st but that is because i listen to the facts and gather as much information to understand the problem to then better help my

team or others out with the positive outcome.

Reviewer Response

Above Expectations

Jason is an active problem solver - working as part of the team to complete a task or meet a goal. He is open to suggestion and willing to take the time to listen to others before making a decision to act. Jason takes the time with his team to resolve cleaning/stain issues in each of their assigned area - taking the time to work one on one as needed to support their understanding.

13 - EMPLOYEE MANAGEMENT & DEVELOPMENT: Provides regular feedback and coaches employees. Provides appropriate learning and development opportunities. Promptly addresses employee issues and concerns. Provides timely recognition. Coordinates with Human Resources when appropriate.

Weighted at 10%

Category - Employee Management

Employee Response

Far Above Expectations

I meet with my team members either in person or in conversation weekly and some times daily. I like to make sure things are going well in the locations and receive any feed back from them in order to correct or make things better. especially with the cleaning products as we have changed them. the feed back i look for is great in order to make everyone happy as well make sense with cost. i make sure to set up all training and learning development to better them as well my self. because if you have happy team members they stay longer and do great jobs. i coordinate with HR when things come up. if its a write up or question on what should i do with this situation i always have that open door to get the proper information to go forward with what ever out come it may be.

Reviewer Response

Far Above Expectations

Jason meets with his team regularly for the purpose of coaching and feedback. He conducts quarterly team meetings to review mandated corporate training, educate on new procedures and products, provide opportunity for dialog issues and to encourage feedback. Jason makes a point to meet at least once weekly with each of his staff - supporting their individual cleaning needs, conduct spot inspections and providing staff members with any correcting measures that need to be taken to ensure they are maintaining the cleaning standards established for CNB. Jason is skilled in providing the mentoring/coaching and redirection of staff members who are easily distracted from completing their cleaning duties. Jason is able to support his staff with the use of list, schedules

DEF00521

and checkins reminders and the like to assure the success of all his team.

14 - COMMUNICATION & INTERPERSONAL SKILLS: Communicates well (written and verbal), has good listening skills. Willingly shares information to keep others informed. Builds strong relationships, is flexible/adaptable, works well with others, solicits feedback.

Weighted at 10%

Category - Communication

Employee Response

Far Above Expectations

I am always making sure i am communicating with our team as well across the lines of business. This makes it so everyone is on the same page and there is no miss understanding. i like to contribute my ideas with the team on things so we can weigh out all the options and find the better solution. I am always contributing positive team spirit to our team and department. Not only with our own department but as well with customers that may need help with something or they see me with a shirt on and ask me how is CNB? Its not only in our work that it shows but as well out side too.

Reviewer Response

Above Expectations

Jason is a good communicator and shares information; sharing his ideas and able to listen to others opinions. He recieved feedback well and works to make personal correction when needed. Jason is a relationship building willing to meet with others to assure a positive outcome in whatever he is doing. Jason has improved in his ability to sahare the necessary information and to "silence" any rumor or gossip that he may be confronted with.

OVERALL COMMENTS

Employee Response

Overall Rating

Far Above Expectations

I am in between the above expectations and far above i believe. I feel i have accomplished a lot over the year and i am going in the right direction with my self as well where i am bringing my team to. I have worked on my not so hot areas that needed attention to better my self. i am not saying i am 100% there yet but i am pretty close 80%. i have stepped out of my comfort zone and pushed my self. I have learned new stuff this year and proud to be where i am today. i work with outside vendors and cleaning companies making sure we are up to our high standard. I could not have gotten to be here with out the push. I am very proud to be part of an amazing team where you learn new things every day. i defiantly want to learn more i want to keep pushing my self to new heights. Most defiantly with all the expansions we have coming and being done its amazing. i am grateful and look forward to many more years working with such an amazing team and company. Thank you

Reviewer Response

Overall Rating

Far Above Expectations

Jason is a valued member of the facilities team who stives to give 100% every day. He is budget conscious and has the best interest of CNB and the customer forefront in his actions and decisions. He is proactive in his thinking and works diligently to complete all tasks within the time allotted. Jason is committed to sharing information and is open to recieving feedback from others.

EMPLOYEE ACKNOWLEDGEMENT

Employee Signature

Acknowledgement Date

Jason Wemes

12/06/2019

Employee Comments

Not Available

DEF00523

EXHIBIT J

DEF00525

Jason Wemes
715-Custodial Supervisor

Position ID - 1X6002464

Reports To - Brett Elliott

Department - 500901-FACILITIES

Business Unit - 400-OPERATIONS

Location - 50-OPERATIONS

REVIEW INFORMATION

Nov Annual Review Supervisor

Review Period - 11/01/2019 to 10/31/2020

Status - Employee Acknowledged

Target Completion Date - 10/31/2020

REVIEWER INFORMATION

Reviewer - Brett Elliott

INTRODUCTION

After assigning your employee as a contributor to provide a self-assessment, click on done. Do not complete and submit the review until your employee has completed their self-assessment. If you would like a contribution from a former Manager, they can be added as well.

RATING SCALE

Far Above Expectations	Performance is regularly significantly beyond the expectations for the position particularly in those areas with the greatest positive impact to the organization; performance is highly results oriented with a strong demonstration of values and integrity.
Above Expectations	Performance consistently meets expectations with superior performance demonstrated in more than one area; performance achieves results with an attention to values and integrity.
Meets Expectations	Performance meets expectations and results are achieved in a capable and values oriented manner; performance may exceed expectations in some areas - this is a fully satisfactory performance assessment.
Below Expectations	Performance often meets expectations but does fall below expectations in one or more critical areas; performance needs are often tied to a need for increased time in position and lack of performance is not related to a willful lack of attention to position expectations; employee meets values expectations.
Far Below Expectations	Performance is regularly below standards in a number of critical areas; employee has had an adequate to meet expectations but continues to fail; employee meets corporate values expectations OR job performance expectations are met but the employee consistently fails to demonstrate corporate values.

QUESTIONS

Instructions

Conducting employee performance appraisals is a productive and meaningful activity that positively contributes to the success of our organization. For each of the questions or key performance indicators, you should measure the productivity of the employee and how he/she builds relationships across all levels of your organization to assist with effective and coordinated work.

1 - Review prior year goals and highlight key progress made towards goals.

Category - Employee Development

Employee Response

Taking on more responsibility with talking and working with outside vendors. Finding cheaper prices with out losing quality of product. working with fellow cleaning vendors for our outside branches. Cross training is completed with staff members in case we are short staffed or big project is being done. Getting others trained to help out with bigger cleaning projects especially with covid-19. Big help with the facilities team with other big projects or when someone is out i have jumped in when needed and helped out the team. Working closely with making sure the team members and vendor cleaners are taking the right percautions with cleaning and what cleaning chemical is being used on what surface.

Reviewer Response

Jason has spent the vast majority of this year overseeing the inventory of adequate supplies to address the sanitizing needs of the our Main Office Complex and branch locations. Jason has work with our existing vendors to secure hard to find necessities including Personal. Protective Equipment for our employees. Jason has begun to maintain an inventory of janitorial supplies, PPE and sanitizing products in the event that the normal acquisition source run out. Jason also has headed up the Deep Cleaning of branches and office locations that have had an employee test positive for COVID. Jason is training his staff in the technique and procedure of cleaning so that efforts can be duplicated if the situation warrants. Jason will continue be the point person for the contract cleaning firms - scheduling carpet and window cleaning as well as sharing of any necessary information to assure CNB Cleaning standards are met or exceeded. Jason has training new staff this within the Ontario County cleaners employed by the bank. He continues to effectively "cross train" all cleaners in all duties and at various CNB locations allowing for vacation or extended out of office coverage.

2 - Identify goals the employee should accomplish over the next year.

Category - Employee Development

Employee Response

I have reached out briefly with the idea of our new branch in Geneva that is in Ontario county that i would like the privilege to take on that branch to over see and fill with a cleaning staff member. I think it would be a great movement for me as well more responsibility. continue with working more with facilities side and helping out with more things that come up. Keep training people with our new equipment how to use and where it can be used.

DEF00528

Keeping the relationship open with fellow vendors making sure that the staff are keeping up with our high standards and making sure things are being disinfected properly and are using the proper chemicals. With things being in the unknown stage still just making sure everyone is on the same page and taking one step at a time all while being safe and keeping our high standards in the front line.

Reviewer Response

In 2021, CNB will be opening an addition branch in Ontario County and the cleaning of this branch will fall under the supervision of Jason. An additional employee will be added to his team to be supervised by him. Jason will continue to be the Point Staff for Monroe County Contracted Custodial Service Providers and become the Point Person for the Walk Off Mat services - Aramark for the branches and Cintas for 1150 Basin Park. Jason will continue to lead the COVID Deep Cleaning of CNB locations are required and will maintain a reserve inventory of cleaning products, PPE and sanitizing equipment.

3 - CORE VALUES: Treats others with respect and courtesy and demonstrates professionalism. Works with integrity and honesty. Keeps commitments and takes responsibility for actions. Makes decisions that are in the best interest of the organization.

Category - Core Values

Employee Response

☒ Yes

☐ No

I treat my team and fellow staff and vendors with the up most respect and i am very nice and demonstrates professionalism not only in what i say and do but also in my company shirt. I work with full honesty and i keep all commitments i have taken on or said i would do. I take full responsibility for my actions and i keep the upmost respect toward my team members and fellow employees/vendors. i am always making the right decision that is in the best interest of the company and always trying to find ways to better our self's. i always look at all the options before making any big decisions so i know which way to take to solve a problem or how to approach it. I think that i use my core values everyday when it comes to my job responsibility's and my team members.

Reviewer Response

☒ Yes

☐ No

Jason is a quality person of integrity. He take responsibility for his actions and is a man of his word. He is committed to the core values of CNB and has CNB's best interest in mind at all times. As a supervisor he strives to instill the Core Values in his employees

4 - JOB KNOWLEDGE: Understands facets of job, aware of duties and responsibilities, keeps job knowledge current. Completes work accurately.

Weighted at 10%

Category - Intellect

DEF00529

Employee Response

Above Expectations

I am fully aware of my many different jobs that i do. if i am not supervising my team members i am helping out with facilities team or others that are in need of what ever comes. since i have added more things to my plate and getting more experience it helps to get the job or jobs done and I may be learning something new everyday. I like that I am not just one job responsibility and that I can help out where ever is needed. I like to learn more with different things as in a way to keep my job knowledge up to date. I all ways say there is a lot to learn with many things.

There is a lot of things that I want to learn and new things I like to seek out to better myself and my knowledge. I'm always learning something new every day.

Reviewer Response

Above Expectations

Jason is a committed learning. Searching for cleaning products that will better meet our cleaning and sanitizing needs at a better price whenever possible. He researches cleaning solutions and techniques to address issues as they arise. Jason understands to complexity of his job both as an employee and as supervisor. He regularly spends time with each of direct reports supporting their personal development as well as addressing any needs or providing any training that may be necessary. Jason is the onsite facilities personnel for the afternoons each weekday - taking care of any emergent needs that may occur.

5 - INITIATIVE: Takes action, seeks new opportunities, strives to see projects to completion. Asks for help when needed. Looks for new and better ways to get things done.

Weighted at 10%

Category - Teamwork

Employee Response

Far Above Expectations

I am always taking initiative with work orders to cleaning or helping someone out in need. i don't have to be asked to jump in. i do ask for help when i am in need and i stress that to my team members if you need help with something just ask don't hesitate to ask. i rather people ask for help that get behind in their work or fall behind so much that we have to get complaints. i strive to see projects get done in timely manner and in doing so making sure its done right. I am asking others and always looking for ways to improve getting things done or someone might have a idea that would be more benefiting as well i always ask for feed back and say do not be afraid to give ideas. i am a great team player and i am always helping out when in need and even if i see something i give a lending hand. I consider my self a major team player and always offering help or requesting to help out with

DEF00530

other projects that might not be my area.

Reviewer Response

Far Above Expectations

Jason is a team player, always ready and willing to lend a hand or to take on a task. He is mindful of the needs and work-loads of others and ready to ease the burden of anyone on the team. He is responsive in the time of needs - this year being the urgent need for COVID Deep Cleaning. He has come in after hours to assure that the cleaning is complete so that the Branch can open as normal. He is committed to see projects to completion and has good follow up skills to assure that anyone that should be informed and included is informed and included.

6 - SYNERGY: Collaborates and communicates within and across Lines of Business in order to help other customer (internal and external) relationships or experiences. Contributes to positive team spirit.

Weighted at 10%

Category - Communication

Employee Response

Above Expectations

communication is a huge thing for me and sometimes i might over communicate with things. But i like to be through with making sure everyone is on same page and that way there is no error for anything to have missed information or direction. When supervising a team its very important that the communication is on point. That makes things more clear with direction or if something happen at a branch i am informed and the staff are informed if it came to needing stain removed or something need more attention. i believe i keep my communication clear to the point and if there is something i am not sure about i always reach out for more detail. i like to give ideas to the team if its something that might work better or just ideas to solve any things that may come up.

Reviewer Response

Far Above Expectations

Jason provides very effective communication - sharing information with team members that is timely and relevant to a project, appointment or issue. He is comfortable asking for assistance when needed and seeks advise when unsure. He provides follow-up with staff to assure that work that is being done or has been completed meets their expectation and need. As supervisor, Jason listens, mentors or directs depending on the employees need at the time.

DEF00531

7 - CUSTOMER SERVICE: Works well with both internal and external customers, promotes a positive image of the company, strives to solve issues raised by internal or external customers in a positive and proactive manner. Keeps the customer in the forefront of decisions and actions.

Weighted at 10%

Category - Customer Service

Employee Response

Above Expectations

Working with vendors and internal and external customers i am always professional when talking and working all while with a positive image of the company. I am quick to follow up on any issues that arise. Either a shortage with ordered items or something was sent wrong doing returns. Even with fellow company with window install or carpet install projects. I strive to make sure to address any issues while in professional manner making sure that at the end of the day making sure it was done right all while keeping customers and company in the forefront of all decisions.

Reviewer Response

Above Expectations

Jason exemplifies customer service. He displays a positive attitude whenever he interacts with vendors, customers or staff (internal customers) His focus is always meeting the needs of others and doing so with CNB best interest in mind. Jason is diligent in following up immediately on any issue that is brought to his attention - working with staff or vendors to find a reasonable timely solution.

8 - DEPENDABILITY: Meets deadlines, works independently, accountable, maintains focus, punctual, good attendance record.

Weighted at 10%

Category - Dependability

Employee Response

Far Above Expectations

I am very dependable when it comes to my job and helping out the team. i always meet deadlines when it comes to projects or cleaning tasks even with training's. I can both work independently and with a team setting. I always hold my self accountable for my actions all while maintaining focus with completing any task at hand. I come to work on time and ready for my shift or what ever may come up that day. I have good attendance only thing i would say is with my health concerns i have missed time but i have always came back and ready to go with my job duties. i again think i am very dependable and it shows with lot of the extra job tasks that i have filled in for

CNB000198

DEF00532

and keeping my team going.

Reviewer Response

Far Above Expectations

Jason is dependable and accountable. He is punctual and has a good attendance record. He is ready at any time to pitch in - this year has been especially trying with the need for COVID deep cleaning that is required without notice; Jason has immediately responded to the request assuring that branch operation will continue to limited impact to the customer. Jason has spent countless hours over this year working with vendors to maintain an adequate inventory in response to the pandemic.

9 - ORGANIZATION SKILLS: Information organized and accessible, maintains efficient work space, manages time well.

Weighted at 10%

Category - Organization Skills

Employee Response

Above Expectations

I keep all important information in secure area. I keep all invoices in order as well with all team trainings. I keep and manage my time well once I am on shift. I keep a neat and organized area with supplies so team members are able to get to and so I can keep track when we are getting low on supplies. I like to keep a neat work area for myself and others. I have been known to have a messy desk at times but not keeping any important or confidential work out its always in locked drawer. All areas for cleaning supplies as well cleaning carts are always in neat and order way so that anyone would be able to jump in. They are where everything is easy to get to and not having to jump over things to get them.

Reviewer Response

Far Above Expectations

Jason manages his time and his staffs time well. Supplies are ordered in a timely fashion and inventory maintained appropriately. He is able to share information with organized detail that is clearly understood. To address the need for COVID Deep Cleaning Jason has organized a "Go Bag" that includes all the items required for conducting a total clean of a location in the event of a positive case of COVID-19.

10 - COMPLIANCE: Follows company policies, procedures and practices. Completes required training on time. Follows time reporting requirements. Strictly protects the privacy of customer, corporate and employee information.

Weighted at 10%

DEF00533

Category - Compliance

Employee Response

Far Above Expectations

I follow all company trainings that come up through out the year. Making sure they are on time and up to date. I follow time cards with clocking in and out. I have had few times that I might have forgot to clock in or out but some times was due to ADP being down at that time. I am always up to date with ADP program as I have big responsibility to make sure staff are following guide lines and punching in and out as well approving time cards. I protect all sensitive material weather it be customers or corporate and employee information. All while following company policies and procedures along with practices.

Reviewer Response

Far Above Expectations

Jason maintains confidentiality assuring that customer and bank information is always protected. Jason is responsible for the oversight and collection of confidential materials that are to be shredded - taking care to follow CNB policies and procedures. As a supervisor Jason takes time to review confidentiality requirement and procedures with his team. Jason completes all CNB required training as assigned and works with his staff to assure that each member of the custodial team is likewise in compliance

11 - BUDGET: Appropriately uses resources to maximize effectiveness and minimize waste. Manages overtime effectively.

Weighted at 5%

Category - Budget

Employee Response

Above Expectations

One of the big things that comes with my position is to order products and supplies for cleaning staff or equipment. Even keeping track as to where product is going to which branches. In doing this I am seeing that products are not being over used or not being used properly. It also helps with seeing what changes we can do to better save money with out going completely with cheap product that we are going to use double of or triple. Which means running out and buying more. I look for the best ways with how to save money and keeping our company tip top shape with the high standards we have. I look to see if we need to change products like bags because if they are to thin and we are ripping while we are trying to replace then we are going through more than what we need. so I look for the many ways to improve our ways to in the end save money but with out

DEF00534

hurting our image and wasting time. I like to say I manage my time well especially when it comes to over time.

Reviewer Response

Above Expectations

Jason is cost conscious with a clear understanding of his department budget. He seeks quotes for equipment purchases and reviews supply pricing on a regular basis to assure best price possible. This year Jason was tasked with securing items to keep in inventory to address the needs of COVID Cleaning. Jason worked with vendors to determine the most cost effective way to provide necessary health and sanitizing resources assuring that every CNB location had at least one stand hand sanitizer and that cleaning protocols were in place and understood. After research, Jason suggested the use of concentrate sanitizing solution, mixed in-house as a cost savings alternative to the ready mix - this recommendation was put in place.

Jason is mindful of staff scheduling to assure that overtime is not incurred and is able self monitor his time and schedule to remain within his allotted hours.

12 - PROBLEM SOLVING: Strives to understand contributing factors, works to resolve complex situations.

Weighted at 5%

Category - Leadership

Employee Response

Above Expectations

I take leader ship with my team and as well with other things as well. I am one that likes to lead a team that folks are not afraid to ask for help or if a problem arises we come up with a plan to fix it. I like to gather all the information possible to see all sided of how to fix and resolve complex situations. I feel that I have greatly improved with this growing over the last year as it was complex for me to take more a grip of the reign instead of it running me. I know my position as a supervisor comes with tough challenges at times. But with the guidance I have gotten over the years taking the reign and tackling difficult situations head on and doing it all in a professional way and not trying to hide behind the what if. I feel I have defiantly taken big change with that and I strive to solve problems and address any issues.

Reviewer Response

Above Expectations

Jason is an active problem solver - working as part of the team to complete a take or meet a goal. He is open to suggestion and willing to take the time to listen to others before making a decision to act. Jason takes the time with his team to resolve cleaning/stain issues in each of their assigned area - taking the time to work one on one as needed to support their understanding.

DEF00535

13 - EMPLOYEE MANAGEMENT & DEVELOPMENT: Provides regular feedback and coaches employees. Provides appropriate learning and development opportunities. Promptly addresses employee issues and concerns. Provides timely recognition. Coordinates with Human Resources when appropriate.

Weighted at 10%

Category - Employee Management

Employee Response

Above Expectations

I am always in communication with all my team members on daily basis or weekly basis. I like to make sure the team feels great and on the same page. I keep them in the loop if something comes up like training or something might have happen at the location. Carpet spot, bulb is out so that way we are all in the loop. I have printed out check list for each area so that if someone is filling in and they have a question they can refer to the check list or reach out to me. I have a check list for a team member who uses this as a guide to stay on track as well with keeping time when to lock doors and shut lights off. Where that person should be at or around that time. It has been helpful for this team member and I have made changes over the months to help better not only cleaning but that individual. I take a different approach using all of my experience I ways for that person to grow. I don't see it as a degrading tool I look at it as a learning tool. Which helps with different things that come up. I am always giving positive feed back to team members for doing a great job and thanks for helping out in that pinch of someone being off. I talk to team members and help them when in need and just take the quick second to say Thank you for the hard work you are doing. especially with covid 19 going on now as well. its been very tough for many folks. So that quick Hey doing great job helps in big ways. I am always in contact with Human Resources on good positive level so that if something comes up they are always ready to help out. Even with Posting a new position or write up or incidents even for reviews.

Reviewer Response

Above Expectations

Jason meets with his team regularly for the purpose of coaching and feedback. He conducts quarterly team meetings to review mandated corporate training, educate on new procedures and products, provide opportunity for dialog issues and to encourage feedback. The final three quarterly training's this year were not done in person due to the need for social distancing; Jason met with staff one on one to assure that their training requirements were met as well as addressing any issues and concerns that they might have had.

Jason makes a point to meet at least once weekly with each of his staff - supporting their individual cleaning needs, conduct spot inspections and providing staff members with any correcting measures that need to be taken to ensure they are maintaining the cleaning standards established for CNB. Jason is skilled in providing the mentoring/coaching and redirection of staff members who are easily distracted from completing their cleaning duties. Jason is able to support his staff with the use of list, schedules and check-ins reminders and the like to assure the success of all his team.

DEF00536

14 - COMMUNICATION & INTERPERSONAL SKILLS: Communicates well (written and verbal), has good listening skills. Willingly shares information to keep others informed. Builds strong relationships, is flexible/adaptable, works well with others, solicits feedback.

Weighted at 10%

Category - Communication

Employee Response

Far Above Expectations

I have great listening skill as well communicates in Written and verbal ways. I am very flexible and quick learner for different situations that arise. I work great in groups as well by my self. I am always building strong relationships with vendors and staff members so if something came up they don't hesitate to reach out. It builds my character up as well I think. I am always in communication with my team members and supervisors so that way we are on same page and if i need guidance I can reach out as well. I share information with others to keep them informed. I have grown over the year with not over sharing information and get to the point. I think I have grown from last year and something I continue to work on as one of my goals.

Reviewer Response

Far Above Expectations

Jason is a effective communicator and shares information; sharing his ideas and is willing o listen to the opinions and ideas of others. He receives feedback well and strives to make personal correction when necessary. Jason is a relationship building willing to meet with others to assure a positive outcome in whatever he is doing. Jason has improved in his ability to share the necessary information and to "silence" any rumor or gossip that he may be confronted with.

DEF00537

OVERALL COMMENTS

Employee Response

Overall Rating

Far Above Expectations

I feel that I have come a long ways over the last year with not only my added on responsibility but with my over all self. This year has brought on some major issues with covid 19 being one of them and it was a struggle with me being out for some time from my surgery. jumping right into covid 19 problems. I feel that I have really stepped up to the plate more with making sure to keep cost down as much as possible all while maintain our regular tasks. Different things going on with folks not working at branches to working from home when the branch still needs to be cleaned every night making sure to keep my team safe while doing there jobs. Even myself jumping in to deep clean branches that had positive case or asymptomatic. Coming up with a plan quick to keep myself safe but all while keeping others safe too. A lot of communication was and is still being used to this day. I feel I have grown not only from the crisis of Covid19 but with my everyday duties. A lot was watching budget with supplies for PPE and everyday items. To working with folks to show them what new cleaners we use now. The added PPE while cleaning. I have a great team that I am proud of that was in a mess when I started 6 years ago. To what I have built it to what it is now. I have a lot to learn still going forward but I am proud to where i am not and I keep striving to better not only my self but my team. I have jumped in to things that needed attention or help with that might not even been part of cleaning. Window installs, Carpet installs. furniture repairs. You name it. have always been able and willing to help out the team and everywhere else I can help and learn.

Reviewer Response

Overall Rating

Far Above Expectations

Jason is a valued member of the facilities team who strives to give 100% every day. He is budget conscious and always has the best interest of CNB, staff, coworkers and the customer forefront in his actions and decisions. He is proactive in his thinking and works diligently to complete all tasks within the time allotted. Jason is committed to sharing information and is open to receiving feedback from others.

EMPLOYEE ACKNOWLEDGEMENT

Employee Signature

Acknowledgement Date

DEF00538

Jason Wemes

12/31/2020

Employee Comments

I am very pleased with my review and it was spot on with a lot of things. I am very happy with the positive feed back. Thank you

DEF00539

WITHDRAWAL STATEMENT

THE CANANDAIGUA NATIONAL BANK
AND TRUST COMPANY45 East Main Street
Rochester, New York 14614
Telephone: 585-262-0356
Fax: 585-262-0355www.cnbank.com <<http://www.cnbank.com>>Louis P. Nau, AVP X41820
Community Office ManagerTralecia Young X41822
Service ManagerJessica Young-Carbonel X41823
Community Office Assistant Manager

From: Underberg & Kessler LLP

Attorney Name

Attorney Code

Attorney Telephone No.

Joshua B. BeiskerJBB(585) 258-2879Please perform the following transaction between the Master Account Number
1101453868, and Client Trust Account listed below:

CNB Client Trust Account Number

Client Trust Account Name

1108505375Estate of Ronald V. ThompsonU&K Client Number: 1007176/1

Withdraw & Transfer to Master Account

☐ Close Client Trust Account☒ Partial Withdrawal from Client
Trust AccountAmount \$ 1,385.50

Transaction Description: Payable as Follows:

U&K-Invoice No. 1216106-legal services through month ending 08/31/21Return Check(s)/Copies of Check(s) to Judy A. MillerJoshua B. Beisker

Name

Authorized Signature0828/31

Date

EXHIBIT K

ARTHUR S. HAMLIN
AWARD FOR EXCELLENCE NOMINATION – For the year ending 12/31/2020

PURPOSE: Arthur S. Hamlin was an exceptional and caring man who was the President of CNC from 1948-1979. The purpose of this award is to recognize each year an exceptional employee who **consistently** demonstrates outstanding performance and lives our CNC values each and every day like Arthur S. Hamlin.

DUE DATE FOR NOMINATIONS: Nominations should be turned in to Michelle Pedzich at mpedzich@cnbank.com by Friday, January 15th at 5pm. Finalists will be selected in early 2021 with the grand prize winner announced at the Employee Celebration in June 2021.

CRITERIA: Nominees should have at least three (3) years of service with CNC (including all subsidiaries). Other criteria may include:

- Consistent superior performance
- Is a "team player" and committed to CNC
- Active in community/civic organizations/events
- Pro-active, customer focused (internal and external customers)
- Looks for efficiencies/cost containment
- Demonstrates initiative in undertaking projects or recommending improvement to procedures
- Has participated in continuing education or self improvement programs
- Exemplifies CNC's Core Values

Please note that Senior Vice Presidents and Executive Vice Presidents are not eligible for the award.

NOMINEE: Jason Wemes

DATE: 01/12/2021

DEPARTMENT OR BRANCH: Facilities – Custodial Department

HIRE DATE: 11/03/2014

NOMINATED BY (*Names of nominators are kept confidential*): Brett Elliott and Barb Wagner

How has this nominee helped our organization? (*Consider items such as helping to increase revenues, efficiencies, cost containment, quality internal or external customer service, etc.*) **Please be specific.**

Jason always has a positive attitude whenever he interacts with vendors, customers or staff (internal customers). His focus and commitment are meeting the needs of others and doing so with CNB best interest in mind. Jason is diligent in following up immediately on any issue that is brought to his attention - working with staff or vendors to find a reasonable timely solution.

Jason is very mindful of budget. He regularly works with vendors to assure that we are getting the best quality product at a reasonable price. He is a compassionate supervisor able to bring out the best in all he supervises – spending time with each to understand their needs and to share information. It is Jason's inherent nature to lend a hand, take on a challenge or "raising his hand" to volunteer. No greater example has been his "sure we can do it" response to the emergency cleaning of branches and office during COVID – always striving to maintain a safe and healthy environment for employees and customers.

How has this nominee contributed to the community? *(For example, what charities, community service organizations, civic organizations, volunteer activities, etc. are they involved with?) Please be specific.* You may need to reach out to others to answer this question and should do so before turning this nomination form in.

Along with working two jobs and being the primary caregiver for his mother, who lives with him, Jason finds to transport people to medical and therapy appointments. He saw the relief that his mother had of knowing she was able to get to appointments when he drove her; he wanted other to feel that same feeling of being "cared for".

How has this nominee enhanced his/her personal development? *(For example, what types of activities do they do to learn and grow?) Please be specific.*

Jason is always reading product review and researching various solutions associated with stain removal and Janitorial trends. He utilizes the knowledge of his vendors to further his product knowledge. He is always on the "hunt" leadership workshops or trainings to hone his ability to effectively supervise and manage his team of custodians. He has taken on additional department responsibilities by taking on the oversight of contracted cleaning vendors.

How does this nominee exemplify CNC's core values? *(Our values are honesty and integrity, responsibility, teamwork, respect, innovation, professionalism, commitment. How do they exhibit the behaviors tied to our core values? Please provide examples.*

(See our 21 CNC Behaviors found here: <http://sp2010.corp.cnbank.com/Divisions/HR/SitePages/Home.aspx>)

Jason treats his team, co-workers, and vendors with the utmost respect, he always has a positive attitude and demonstrates professionalism in word and deed. One of his employees require reminders and occasional redirection to maintain a routine of cleaning; Jason gladly takes the time to assure this person is successful as an employee. If he says he will get a job done, you can rest assured that it will be done as promised and done well; there are no "short cuts" in his commitments. Jason has set a preventive cleaning schedule for carpets at our various location – cleaned twice a year; he owns it and I know it will be done. He is accountable and responsibly – this year taking on the "COVID Challenge" of making sure we have an inventory of products and staff have the knowledge for safely using the products.

What else should we know about this nominee? *(Additional relevant information may be attached)*

For additional information about the Hamlin award, including a video on Arthur S. Hamlin and a list of past winners, [click here](#).

EXHIBIT L



To: Memo to File

From: Joseph A. Hernandez
Physical Security Officer

Re: Wemes, Jason

Date: Tuesday, June 29, 2021

.....

I received a phone call from Kristy Merriman, assistant branch manager of main office at approximately 4:45pm. I was on my cell phone already with Gwen Crawford regarding a power outage at the Honeoye Office. Jason Ingalls was in the office and answered my phone putting the phone on speaker. As I was discussing the power outage with Gwen I overheard Jason and Kristy talk about someone in the branch flashing a badge and mentioned they were here looking for a potential child abductor. I was still working out an issue with the power outage with Gwen and at that same time Jason left the office I presumed him to be heading over to address the situation. I finished working on the few things I was working on and had packed up to leave. As I was heading out to my truck, Vince Yacuzzo, Chief Financial Officer yelled out to contact me. I turned around and walked back to Vince. We had a brief conversation about what was going on and I continued back into my office then went over to Jason's office, knocked on the door and introduced myself to two investigators from Ontario County, Dan and (forgot name for time being fill in later). Trying to understand the situation better I asked what was going on. Dan filled me in on a gay dating app called "Grinder". Dan informed me this app was something where a user could connect to chat with other gay men to meet up and do certain things together. When I asked what was relevant to this and what was going on specifically, Dan informed me that he was an undercover police officer who was portraying himself as a 14 year old boy. I began to put the two together and began to ask more questions. Dan had specific pictures asking if we knew who a person was in a picture and asking if it could be Jason Wemes. I looked over the picture and couldn't identify who the person was in the picture but it definitely did not look like Jason Wemes. He then showed another picture of someone in their underwear in what appeared to be a vehicle with a penny in the dashboard and a mountain dew can in the cup holder. The specific badge zip line in the photo is the same zip line Jason Wemes. This is where I became more concerned. After seeing the pictures and hearing of the conversations between the officer and the suspect I began asking more questions as to what happened. The officer had specific information on where to go to meet this suspect which would be in the basement of CNB main office where the bathroom is, the officer was told to meet him in the basement at a specified time. The officer stated he was standing in safe deposit area in the basement and was looking around when Jason Wemes showed up and asked "Can I help you?" and he showed his badge and Jason left through the lower level door employee entrance door.

I received door access systems to find that Jason Wemes was the only person around the lower level at the specified time the meet up was supposed to happen.

Phone Call conversation notes with Jason Ingalls and Jason Wemes. Wemes did not know he was on speaker phone.

Board meeting, doing walkthrough. In the safe deposit can I help you, I am an undercover cop, said the officer turned around and left (contradictory to what the officers said). Walked out and left. Dragged in other room. Ingalls showed up.

Showed me the picture that was going out of the bank. About 2 weeks ago. Saw him at the green front, that guy looks familiar ball cap and beard. Don't know who he is under the investigation. Bad image doesn't like that.

Badge not mine. Ones that we hand out. Ones we hand out cut them or break them plastic clip to go onto the metal cracking etc. this is why mine looked like that.

Asked me questions told them all I know. Tan or kaky shorts black belt. Showed them. Not his underwear after showing his underwear to the officer.

Angry - concerned but wanted to talk in person. Uncomfortable.

Points where the stories don't match.

- Officer identified himself and Jason said the officer left going back upstairs but the officer stated he was standing there and Jason Wemes entered through the employee entrance in the lower level quickly.
- Officer stated the last known location of the person was within feet of him when he was in the building near Jason Wemes Desk.
- The officer showed two distinct pictures. One of a person/man who did not look like Jason Wemes. And another which looked like the interior of the CNB small white work van of a person in purple underwear and a lanyard/zip that looked exactly like the lanyard/zip that Jason Wemes had.
- Very specific instructions to meet at the bank in the lower level bathroom.
- No cameras on that level in that hallway.

16:41 - Jason Wemes swiped badge at Main LL Elevator Door

16:45 - I received a phone call from Kristy Merriman, Jason Ingalls took the call.

16:46 - Jason Wemes swiped badge at Main 1st Floor Mortgage Door

16:47 - Jason Wemes swiped badge at Main Ops 2nd Glass Door

16:58 - Jason Wemes swiped badge at Ops-2nd Computer Area Door

17:12 - Joe Hernandez heard Vince Yacuzzo shout out to him from the parking lot and turned around to talk to him.

17:23 - Joe Hernandez entered Brown Door and went to Jason Ingalls Office in Operations

17:24 - Joe Hernandez introduced himself to Dan and Nathan, investigators from the Ontario County Sheriff's Office. See notes section for specifics on conversation and detail on this event.

17:37 - Jason Wemes contacted Joe Hernandez by cell and asked about cleaning at Honeoye Falls due to the power outage.

17:48 - Joe Hernandez logged back into Entre to pull records for Jason Wemes badge activity.

17:55 - Joe Hernandez pulled client audit logs from March Networks and did not find anything from the system logs that would indicate Jason Wemes was reviewing any cameras at or around the time in question.

July 14, 2021:

I arrived at 2:55pm at the meeting location and waited for Jason Wemes. Wemes hadn't shown up by 3:08PM so I texted him to tell him I was there to which he replied "Im on my way". Wemes didn't get there until 3:35pm. At which point I got out of my truck opened the tail gate and proceeded to give Wemes his items in 4 boxes and a microwave. I asked Wemes how his mom was doing as I knew she had been going through a lot lately. He informed me she was doing alright. Wemes then said just for the record it's not that I hate Jason Ingalls, I just don't like how he handled the situation. Wemes then attempted to fish for information from me to which I explained I am not in a position to know or would be able to say anything. He understood and continued to talk to me further. He said I know you were in the office with the investigators so I wasn't sure if you knew more. This is not something I offered in any form of information during this conversation or during any conversations I have had with him since. He then stated that while on the phone with Michelle Pedzich he had talked to his lawyer about the situation and Michelle became immediately defensive. He just didn't understand why he would be terminated when his name was cleared. I again said I don't have anymore information on the matter. My phone kept ringing during the conversation so I told him I would have to leave. He said okay and we parted ways.

DEF00547

EXHIBIT M

DEF00548

**Straight
Talk**
wireless

OPEN

START HERE
Go to StraightTalk.com/activate

You will need this number for Activation

Serial number (also known as IMEI, MEID, or ESN)

356 327 111 319 841

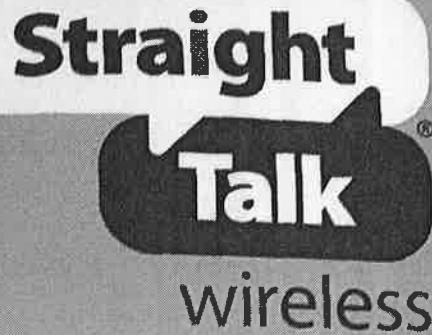
SIM CARD NUMBER

891 480 000 061 409 114 29

Please read the Terms and Conditions of Service
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before activating your phone or any service plans.

ACARD-STANDGCL





IMPORTANT

**TO ACTIVATE, GO TO
STRAIGHTTALK.COM/ACTIVATE**

If you purchased a Straight Talk service plan with your device or SIM kit, it will be **added automatically** during the Activation process.

Questions?

CALL

1-877-430-2355

EXHIBIT N

DEF00551

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Canandaigua
National
Bank & Trust

July 12, 2021

Jason Wemes
100 State Route 96
Geneva, NY 14456

Dear Jason:

This letter confirms your end of employment with Canandaigua National Bank and Trust Company on July 12, 2021. Your final pay, which includes your regular pay and payment for accrued, unused vacation time, will be deposited on July 16, 2021.

You will be able to access pay and W2 tax statements within ADP iPay system for a period of three years at www.workforcenow.adp.com using your CNB ADP user name and password.

Your participation in all employee benefits plans will end on July 12, 2021 except health, dental and vision which will end on July 31, 2021, if you were enrolled in any of these plans. Separately you will receive additional information from Bond Benefits about your COBRA rights, if any, to continue your participation in the Company's health, dental, vision and medical Flexible Spending Accounts (if applicable). Information regarding your retirement and life insurance plan benefits, if applicable, will be provided to you under separate cover. Please refer to the enclosed Benefits document for further information.

Current employees receive the benefit of an Optimum account with no associated fees, as well as a Premium Debit Card without a monthly fee. The fee waiver for your account and debit card will be removed and service charges may occur within 30 days. We encourage you to visit with an FSR at a CNB branch to set up your accounts in the best manner for your personal financial situation.

Please email Human Resources at HR@cnbank.com with any change of mailing address, email address and phone number so tax mailings, retirement statements and distributions, and other communications are delivered to you in a timely manner.

It is our policy to provide only date of hire, last day of employment, and last position held in response to reference requests.

If you have any questions, please feel free to contact the Human Resources department at HR@cnbank.com and we will be happy to assist you. We wish you well in your future endeavors.

Sincerely,

Michelle Pedzich
Chief Human Resources Officer
mpedzich@cnbank.com

72 S. Main Street
Canandaigua, NY 14424
585-394-4260

CNB000158

EXHIBIT O

Michelle Pedzich-Jason Wemes Discussion Summary, July 13, 2021

(Summary prepared by Michelle Pedzich on July 13, 2021)

Former employee Jason Wemes (Jason) contacted Michelle Pedzich, SVP and Chief Human Resources Officer (Michelle), on July 13, 2021 at 12:07pm.

Jason stated to Michelle that his attorney had reached out to the Canandaigua Police Department and was told that Jason was not a suspect at this point in any investigation. Jason asked Michelle why he was no longer an employee.

Michelle told Jason that based on what was shared with us by the Canandaigua Police Department and based on our own internal investigation, that we decided it was time to part ways. Michelle let Jason know that due to the ongoing investigation, that was all she can share. Michelle confirmed to Jason that Frank Hamlin (President/CEO) and Vince Yacuzzo (CFO) agreed with the decision to end his employment.

Michelle let Jason know if he had additional questions, he should continue to reach out to Michelle.

EXHIBIT P

Summary of Discussion with Jason Ingalls, August 19, 2021, 1:00pm-1:15pm

Summary prepared by Michelle Pedzich, SVP/CHRO and reviewed by Ryan Hook, HR Business Partner
on August 19, 2021

Michelle Pedzich (Michelle) and Ryan Hook (Ryan) met with Jason Ingalls (Jason), Facilities and Physical Security Manager. Michelle explained to Jason that we received an EEOC Charge of Discrimination complaint for discrimination based on sex and retaliation from Jason Wemes (Wemes). For purposes of this write-up, Jason will refer to Jason Ingalls and Wemes will refer to Jason Wemes.

Michelle stated to Jason she wanted to review the charges listed in the complaint related to Jason and give Jason an opportunity to respond.

Michelle asked Jason to respond to the following statement made by Wemes. "On or around April 2021, I (Wemes) was working near my supervisor, Jason Ingalls, who is the Vice President of Security at the Bank. He began to make a comment around another coworker then abruptly stopped, saying that "Jason (Wemes) don't like women like that."

- Jason stated that he had "no recollection of this interaction."

Michelle asked Jason to respond to the following statement made by Wemes. "While employed with the bank, on my desk I (Wemes) displayed a picture of myself and my husband. Shortly after Ingalls became my supervisor, he told me that the picture was inappropriate for work."

- Jason stated, "I absolutely did not say this." Michelle asked if he remembered seeing any photos of Wemes on his desk and Jason stated, "No, and I could care less."

Michelle asked Jason to respond to the following statement made by Wemes. "I (Wemes) also had a Human Rights Campaign sticker (blue with yellow equals sign) on my desk. Ingalls asked me why I had it displayed and told me that "we don't need that" and "it doesn't need to be here.""

- Jason stated, "No, I didn't say that and I don't recall ever seeing a sticker".

Michelle asked Jason to respond to the following statement made by Wemes. "While at a bank social outing for an employee's birthday, I (Wemes) was with a group of employees which included Ingalls. Ingalls was talking about gender pronouns in a mocking manner. I (Wemes) responded that gender pronouns should not be a joking matter. In response, Ingalls gave me a dirty look. The conversation about gender pronouns then stopped."

- Jason stated, "I don't recall every saying this. Others around at birthday parties would be Barbara, Sean, Naomi, and Kayla. You can ask them as well."

Michelle asked Jason to respond to the following statement made by Wemes. "At times Ingalls would also mock me when I was on the phone, repeating what I had said in a high pitches voice."

- Michelle asked Jason if he had done this or if anything comes to mind. Jason stated, "No".

EXHIBIT Q

DEF00557

Hallowell, Abigail

From: Kayla Domville <KDomville@cnbank.com>
Sent: Monday, August 23, 2021 5:13 PM
To: Ryan Hook
Subject: RE: Confidential Request

Hi Ryan,

I apologize, I have not had an opportunity to respond sooner. I completely understand the confidentiality of this request. I am trying to think back and do not recall or recall overhearing a CNB employee make any offensive or unprofessional comments about another CNB employee that I am aware of. I looked back through my calendar and the last birthday we celebrated out together was for Sean's birthday on 6/15 at KIX on Main. I do remember having to leave early due to my daughter having a soccer game and I couldn't stay the entire time. I left the same time as Barb as her and her husband also had to leave early because they were playing in a softball league together at the Church they attend. The outing before that was on 6/10 at Murphy's Law to celebrate the ASH nominees from all three groups in our division. The only other outing was to celebrate my birthday on 5/27 at NY Kitchen and I had sat next to Barb, Vince, and Jeffrey and do not recall anyone having any unprofessional discussions. We have not had any other birthday outings prior due to Covid restrictions. Please let me know if I can help in any other way.

Thank you,

Kayla

Kayla M. Domville

Administrative Associate II

Facilities, Physical Security, Banking & Loan Operations

Canandaigua National Bank & Trust

72 South Main Street

Canandaigua, NY 14424

Phone (585) 394-4260 ext. 36257

kdomville@cnbank.com

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Canandaigua
National
Bank & Trust

From: Ryan Hook <rhook@cnbank.com>
Sent: Monday, August 23, 2021 10:48 AM
To: Kayla Domville <KDomville@cnbank.com>
Subject: Confidential Request
Importance: High

Good Morning Kayla,

I am reaching out to you regarding any memory that you may have regarding the actions or statements of other CNB employees. Unfortunately, I do not have dates, names, or other details that I can provide regarding this request.

The general question I have for you is:

At any point, do you recall a CNB employee making any offensive or unprofessional comments about another CNB employee while attending a birthday party that was being held for CNB staff?

Please do not share any information pertaining to this request, or even the fact that the request took place, with anyone outside of Human Resources at this time.

DEF00558

Thank You,

Ryan Hook

Human Resources Business Partner (Pronouns: he, him, his)
Canandaigua National Bank & Trust
72 South Main Street
Canandaigua, NY 14424
p: 585-393-6087
f: 585-393-1481

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National
Bank & Trust



EXHIBIT R

Hallowell, Abigail

From: Barb Wagner <bwagner@cnbank.com>
Sent: Tuesday, August 24, 2021 12:01 PM
To: Ryan Hook
Subject: RE: Confidential Request

Ryan,

I looked back at my calendar for department events this year and tried to recall any comments or conversations that would be offensive and unprofessional, but I don't recall any, except of the comments made by Dan Linehan that I had previously documented and shared with you.

Ops Department Events:

- March 19th – Loan Ops Virtual Celebration – 2020 in Review - Department/Employee celebration – all professional comments/interactions.
- March 26th – Brett's Farewell Celebration - I don't recall any offensive or unprofessional comments or conversations.
- April 28th - Banking Ops Virtual Happy Hour - Department/Employee celebration – all professional comments/interactions.
- May 27th – Kayla's 30th Birthday Celebration & 10th Year CNB Anniversary - I don't recall any offensive or unprofessional comments or conversations.
- June 10th – ASH Award Nomination Celebration for the Ops Nominees - I don't recall any offensive or unprofessional comments or conversations.
- June 15th – Sean's Birthday Celebration - I don't recall any offensive or unprofessional comments or conversations.

Please let me know if you need additional information.

Thank you,

Barb

Barbara A. Wagner
Senior Vice President
Director of Operations
Canandaigua National Bank & Trust
72 South Main Street
Canandaigua, NY 14424
585.394.4260x36219
bwagner@cnbank.com

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National
Bank & Trust

From: Ryan Hook <rhook@cnbank.com>
Sent: Monday, August 23, 2021 10:48 AM
To: Barb Wagner <bwagner@cnbank.com>

DEF00561

Subject: Confidential Request

Importance: High

Good Morning Barb,

I am reaching out to you regarding any memory that you may have regarding the actions or statements of other CNB employees. Unfortunately, I do not have dates, names, or other details that I can provide regarding this request.

The general question I have for you is:

At any point, do you recall a CNB employee making any offensive or unprofessional comments about another CNB employee while attending a birthday party that was being held for CNB staff?

Please do not share any information pertaining to this request, or even the fact that the request took place, with anyone outside of Human Resources at this time.

Thank You,

Ryan Hook

Human Resources Business Partner (Pronouns: he, him, his)

Canandaigua National Bank & Trust

72 South Main Street

Canandaigua, NY 14424

p: 585-393-6087

f: 585-393-1481



EXHIBIT S

Michelle Pedzich Follow Up Discussion Summary, August 26, 2021

(Summary prepared by Michelle Pedzich on August 26, 2021)

As a follow up to the email that Ryan Hook sent to Barbara Wagner regarding recalling any CNB Employees making offensive or unprofessional comments about another CNB employee while attending a birthday party that was being held for CNB staff, Michelle Pedzich asked Barbara Wagner if she has heard at any birthday parties any discussion about gender pronouns, including any "mocking of pronouns". Barbara responded no, she had not heard any discussion at all related to gender pronouns at parties or employee events.

Michelle also followed up with Kayla Domville and asked her the same questions. She answered, no, she has not heard anyone talk about gender pronouns at work or at employee events, such as birthday parties.

DEF00564



RYAN T. BIESENBACH, ASSOCIATE
(585) 258-2865
rbiesenbach@underbergkessler.com

September 10, 2021

VIA FIRST-CLASS MAIL
VIA ELECTRONIC MAIL (charlene.mckinnon@eeoc.gov)

Charlene McKinnon
Senior Investigator
U.S. Equal Employment Opportunity Commission
Olympic Towers
300 Pearl Street, Suite 450
Buffalo, New York 14202

Re: Wemes v. Canandaigua National Bank & Trust Company
EEOC Charge No.: 525-2021-01371

Dear Ms. McKinnon:

Our office is counsel to the Canandaigua National Bank & Trust Company ("CNB"), Respondent in the above-referenced matter. This letter will serve as CNB's response to your agency's request for information concerning its investigation into the charges of discrimination filed by Complainant, Jason Wemes.

We submit this letter together with CNB's Position Statement which provides a factual and legal response to Mr. Wemes specific charges of unlawful activity. In addition to these submissions, annexed hereto please find documents which have been Bates numbered "CNB000001" through "CNB000383".¹ CNB's submission of these materials does not constitute an admission that such information is relevant, material or admissible and is without prejudice of CNB's right to content at any stage of this or other proceeding that the requested information is irrelevant, immaterial, inadmissible or otherwise objectionable. CNB reserves its rights and waives none.

You are directed more specifically to the following:

¹ Note that due to their volume, the Bates numbered documents produced herewith are being submitted electronically through email. Hard copies of these documents will be made available to the agency upon request.

Ms. McKinnon
September 10, 2021
Page 2



DEF00565

1. Provide the name, title, address and telephone number of the individual who will be responding to this and future inquiries.

Paul F. Keneally, Esq.
300 Bausch & Lomb Place
Rochester, New York 14604
T: (585) 258-2882
F: (585) 258-2821
E: PKeneally@underbergkessler.com

Ryan T. Biesenbach, Esq.
300 Bausch & Lomb Place
Rochester, New York 14604
T: (585) 258-2865
F: (585) 258-2821
E: RBiesenbach@underbergkessler.com

2. Indicate the number of employees presently employed by Respondent. Provide the legal name of Respondent and any parent/subsidiary organizations. Also, indicate whether Respondent is a federal contractor regulated by the Office of Federal Contract Programs.

- a. Legal Name: The Canandaigua National Bank & Trust Company.
- b. Subsidiaries: Hometown Funding, Inc. d/b/a CNB Mortgage Company;
Canandaigua National Trust Company.
- c. No. Employees: 583.
- d. Federal Contractor: Yes.

3. Provide the reason(s) for taking the action(s) which the Charging Party has complained about, together with relevant records, documents and statements which substantiate these reason(s).

See CNB's Position Statement, submitted herewith, together with the exhibits annexed thereto.

In summation, CNB ended its professional at-will relationship with Mr. Wemes because he is the suspect in an ongoing sex offender investigation being conducted by the Canandaigua Police Department. The information concerning the investigation proffered by law enforcement about Mr. Wemes' attempt to lure a minor onto CNB property compelled the decision to suspend Mr. Wemes. Further investigation confirmed CNB's concerns and Mr. Wemes was subsequently terminated. CNB cannot employ individuals who pose a threat or risk to the safety or wellbeing of its employees, customers or community.

Ms. McKinnon
September 10, 2021
Page 3



DEF00566

4. Produce the complete personnel records including but not limited to disciplinary records, promotional records, applicant records, interview assessment forms, medical records and evaluations for the Charging Party.

See CNB000001 through CNB000207.

5. Produce a copy of your organization's policy or guidelines with respect to providing reasonable accommodations. Provide a copy of any union contract governing the Charging Party's terms and conditions of employment in effect at any time between 1/1/19 and the present and your employee handbook.

See CNB000208 through CNB000367.

6. Submit an electronic database 1 identifying all individuals employed by Respondent at its Facilities during the period of January 1, 2019, to the present, and for each individual, provide:
 - a. employee identification number;
 - b. first and last name;
 - c. race and national origin;
 - d. facility name and location;
 - e. date of hire;
 - f. position(s) held and dates in each position;
 - g. date of discharge and reason, if applicable; and
 - h. last known home address and telephone numbers.

See CNB000368 through CNB000371.

7. Produce a position description for Charging Party's position.

See CNB000372 through CNB000374.

8. Produce copies of any and all applications used in hiring between 1/1/19 and the present.

See CNB000375 through CNB000376.

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9. Provide documents showing any and all complaints of harassment/discrimination made at any time between 1/1/19 and the present at Charging Party's location, including investigative findings, interview notes, assessments, texts, emails, recordings, videos and actions taken as a result of the investigation(s).

See CNB000378 through CNB000383.

Please contact me should you have any further questions.

Sincerely,



Ryan T. Biesenbach

Enclosure

Cc: The Canandaigua National Bank & Trust Company (via email)